

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

VOLUME 12 NUMBER 14

Washington, Tuesday, January 21, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—REGULATIONS GOVERNING APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

HEARINGS

1. Section 22.9 (a) (5 CFR 1944 Supp., 10 F. R. 2170, 13769, 12 F. R. 207) is amended to read as follows:

§ 22.9 *Hearings*—(a) *Right to appear personally or by representative.* The appellant shall have the right to appear personally or through or accompanied by a designated representative in connection with his appeal and if an appellant has expressed the desire for such a personal appearance arrangements will be made for a hearing at a stage of the proceedings agreed upon between the appellant and the regional office or the office of the Chief Law Officer, as the case may be.

2. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Note: This amendment is intended to facilitate the processing of appeals under this part. Because of the importance of the availability of these procedures to appeals that may be currently pending, the Commission finds that good cause exists for making this amendment effective as of the date of publication in the FEDERAL REGISTER.

(Sec. 14, 58 Stat. 390; 5 U. S. C. Sup. 863)

The United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-574; Filed, Jan. 20, 1947; 8:46 a. m.]

symbols shall have an advance rate 10 percent below the advance rate for the regular grades without such special factor.

[SEAL] JESSE B. GILMER,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 47-544; Filed, Jan. 20, 1947; 8:48 a. m.]

TITLE 10—ARMY WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedure

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

SIGNAL CORPS

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, § 2.132 (h) (1) appearing at 11 F. R. 177A-787, is amended by deleting the first portion of subparagraph (1) and substituting the following:

§ 2.132 *The Signal Corps.* * * *
(h) *The Alaska Communication System.* * * *

(1) The Alaska Communication System provides point to point telephone and telegraph service between the United States and * * *

(31 Stat. 206; 48 U. S. C. 310)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-567; Filed, Jan. 20, 1947; 8:51 a. m.]

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

REVOCATION OF CERTAIN LAND WITHDRAWALS FOR WAR DEPARTMENT USE

CROSS REFERENCE: For orders affecting the tabulation contained in § 501.1, see

(Continued on p. 407)

CONTENTS

	Page
Agriculture Department	
Rules and regulations:	
Tobacco, fire-cured, 1946.....	405
Alien Property, Office of	
Notices:	
Vesting orders, etc..	
Brambach, Franz M.....	429
Brasch, Arno.....	430
Costs and expenses incurred in certain court actions:	
California (3 documents).....	430, 436
Connecticut and Massachusetts.....	435
Hawaii (2 documents).....	427, 432
New York (5 documents).....	428, 429, 432, 433, 437
Hoelz, August.....	430
Philippine Mfg. Co.....	427
Quekemeyer, J. H.....	430
Vogel, Emma J.....	438
Civil Aeronautics Board	
Rules and regulations:	
Fire prevention:	
Certification and operation rules for scheduled air carrier operations outside Continental limits of U. S.....	403
Nonscheduled air carrier certification and operation rules.....	403
Scheduled air carrier rules.....	403
Civil Service Commission	
Rules and regulations:	
Appeals of preference eligibles; hearings.....	405
Civilian Production Administration	
Rules and regulations:	
Delegations of authority:	
Commodity Credit Corporation, with respect to vegetable oil seeds (Directive 7, Revocation).....	403
Price Administration, Office of, with respect to rationing (Directive 1 and Supp. Directives 1-I, 1-J, 1-L, 1-Q, 1-U, and 1-V, Revocation).....	403
Veterans' housing program (Directive 43, Revocation).....	403
Weight determination, contract provisions (Directive 6, Revocation).....	403

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 277—TOBACCO LOANS

SUBPART 1946

Section 277.7 1946 *Crop—fire-cured, types 22, 23 and 24, Tobacco Advance Schedule* published in 11 F. R. 13365 is supplemented as follows:

Grades marked with the special factor "OS" in addition to the regular grade



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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947 are now presented in a new section entitled "Proposed Rule Making" Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

CONTENTS—Continued

Federal Communications Commission	Page
Notices:	
Hearings, etc..	
Crescent Broadcast Corp. et al.....	423
Don Lee Broadcasting System and KROW Inc.....	424
Lee-Smith Broadcasting Co. and Associated Broadcasters, Inc.....	424
May, Lester Lee, and Walmae Co. (KMAC).....	426
Mid-State Broadcasting Co. (WMMJ) and Radio Peoria, Inc.....	427
Southland Broadcasting Corp. and Peninsular Broadcasting Corp.....	426
Stanton, Patrick Joseph.....	423
Thomas, Harold, and Pynchon Broadcasting Corp.....	425
Tytex Broadcasting Co. et al.....	425
Western Union Telegraph Co.....	425

RULES AND REGULATIONS

CONTENTS—Continued

Federal Power Commission	Page
Notices:	
Coal conservation, coordination of electric facilities; termination of emergency and revocation of exemptions.....	440
Michigan-Wisconsin Pipe Line Co., hearing.....	440
Food and Drug Administration	
Rules and regulations:	
Federal Food, Drug, and Cosmetic Act, enforcement; exemptions of drugs and devices.....	408
Interstate Commerce Commission	
Rules and regulations:	
Car service; priority for wheat in Pacific northwest.....	419
Land Management, Bureau of	
Notices:	
Alaska; shore space restoration.....	421
Arizona; opening of public lands.....	420
Nevada and California; withdrawal of public lands in aid of legislation, revocation.....	420
Rules and regulations:	
Coal prospecting permits; miscellaneous amendments.....	416
Montana and Arizona; creation and modification of grazing districts.....	416
Withdrawal of public lands for use of War Department, revocation:	
California; camp sites and maneuver purposes.....	418
Montana; aviation purposes.....	418
New Mexico; auxiliary landing field and practice bombing ranges.....	417
Navy Department	
Rules and regulations:	
Claims for relief by contractors; filing and settlement.....	409
Price Administration, Office of	
Rules and regulations:	
Defense rental areas; hotels, rooming houses and motor courts (Am. 98).....	409
Sugar (3d Rev. RO. 3; Am. 33, 34) (2 documents).....	409
Public Health Service	
Rules and regulations:	
Arsphenamine and derivatives; supersedure.....	411
Biologic products; virus, therapeutic serum, toxin, antitoxin, etc.....	411
Procedures and forms; biological products, licenses.....	410
Reclamation Bureau	
Notices:	
Annual operation and maintenance charges; Boise Irrigation Project, Idaho-Oregon.....	422
Annual water rental charges; Tucumcari Irrigation Project, New Mexico.....	421
First form reclamation withdrawals:	
Newlands Project, Nevada.....	422
Shoshone Project, Wyoming.....	422

CONTENTS—Continued

Reclamation Bureau—Con.	Page
Rules and regulations:	
Annual water charges; Boise Irrigation Project, Idaho-Oregon and Tucumcari Project, New Mexico.....	419
Reconstruction Finance Corporation	
Rules and regulations:	
Charters of emergency companies; War Damage Corporation.....	407
Securities and Exchange Commission	
Notices:	
East Coast Public Service Co. and Virginia East Coast Utilities, Inc., hearing.....	439
Eastern New York Power Corp.....	439
Seattle Gas Co.....	439
Veterans' Administration	
Rules and regulations:	
Loans to veterans, guaranty or insurance.....	410
War Department	
Rules and regulations:	
Military reservations; revocation of land withdrawals for War Department use.....	405
Organization, functions and procedures of agencies dealing with public; Signal Corps.....	405
Transportation of individuals; checkable personal baggage.....	407

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 3—The President	Page
Chapter II—Executive Orders:	
9526 ¹	418
Title 5—Administrative Personnel	
Chapter I—Civil Service Commission:	
Part 22—Appeals of preference eligibles under Veterans' Preference Act, 1946.....	405
Title 6—Agricultural Credit	
Chapter II—Production and Marketing Administration (Commodity Credit)	
Part 277—Tobacco loans.....	405
Title 10—Army: War Department	
Subtitle A—Organization, Functions and Procedures:	
Part 2—Agencies dealing with public.....	405
Chapter V—Military Reservations and National Cemeteries:	
Part 501—List of Executive Orders, Proclamations, and public land orders affecting military reservations.....	405
Chapter IX—Transport:	
Part 903—Transportation of individuals.....	407

¹P. L. O. 341, 342.

CODIFICATION GUIDE—Con.

Title 13—Business Credit	Page
Chapter I—Reconstruction Finance Corporation:	
Appendix—Charters of emergency companies.....	407
Title 14—Civil Aviation	
Chapter I—Civil Aeronautics Board:	
Part 41—Certification and operation rules for scheduled air carrier operations outside continental U. S.....	408
Part 42—Nonscheduled air carrier certification and operation rules.....	408
Part 61—Scheduled air carrier rules.....	408
Title 21—Food and Drugs	
Chapter I—Food and Drug Administration:	
Part 2—Enforcement of Federal Food, Drug, and Cosmetic Act.....	408
Title 32—National Defense	
Chapter IX—Office of Temporary Controls, Civilian Production Administration:	
Note: Regulations and orders appearing under this chapter are listed only in the Table of Contents, <i>supra</i> .	
Chapter XI—Office of Temporary Controls, Office of Price Administration:	
Note: Regulations and orders appearing under this chapter are listed only in the Table of Contents, <i>supra</i> .	
Title 34—Navy	
Chapter I—Department of the Navy:	
Part 29—Claims for relief by contractors.....	409
Title 38—Pensions, Bonuses, and Veterans' Relief	
Chapter I—Veterans' Administration:	
Part 36—Regulations under Servicemen's Readjustment Act, 1944.....	410
Title 42—Public Health	
Chapter I—U. S. Public Health Service:	
Part 03—Procedures and forms.....	410
Part 21—Arsphenamine and derivatives.....	411
Part 22—Biologic products.....	411
Title 43—Public Lands: Interior	
Chapter I—Bureau of Land Management:	
Part 162—List of orders creating and modifying grazing districts.....	416
Part 193—Coal permits, leases and licenses.....	416
Appendix—Public land orders:	
1 ²	418
90 ³	418
186 ⁴	417
214 ³	418
340.....	417
341.....	418
342.....	418

²P. L. O. 342.³P. L. O. 341.⁴P. L. O. 340.

CODIFICATION GUIDE—Con.

Title 43—Public Lands: Interior—Continued	Page
Chapter II—Bureau of Reclamation:	
Part 402—Annual water charges.....	419
Title 49—Transportation and Railroads	
Chapter I—Interstate Commerce Commission:	
Part 95—Car service.....	419
Public Land Orders 340, 341, and 342, under Title 43, <i>infra</i> , which revoke certain withdrawals of public lands for use by the War Department.	

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS
CHECKABLE PERSONAL BAGGAGE

Paragraph (d) of § 903.7 is rescinded and the following substituted in lieu thereof:

§ 903.7 Checkable personal baggage.

* * *

(d) *On transoceanic voyages*—(1) *Allowance by the carriers.* Under the terms and conditions set forth in the Joint Military Passenger Agreement (WD), Commercial Traffic Bulletin 6 (1946) the rail carriers and certain steamship lines in the continental United States, exclusive of Alaska, parties to that agreement, will, for the classes of persons indicated in subdivisions (i), (ii), (iii), and (iv) of this subparagraph, transport a free allowance of 350 pounds of personal baggage on an adult ticket and 175 pounds on a child's half-fare ticket (of all classes, except special coach tickets), which are purchased for cash or issued on War Department transportation requests, when such persons are traveling in the United States on such tickets to or from a port en route to or from the applicable overseas points indicated in subdivisions (i), (ii), (iii) (iv) of this subparagraph, as the case may be.

(i) *En route to or from trans-Pacific destinations via Atlantic, or Gulf ports (see subdivision (v) of this subparagraph), or via Pacific ports.* All military personnel; authorized dependents of military and civilian personnel for whom transportation is authorized by the War Department; civilian employees (including laborers) of the War Department; and employees of the American Red Cross when transported at the expense of the War Department.

(ii) *Ordered to or detached from duty at stations in Alaska when traveling to or from a Pacific port.* Commissioned officers and warrant officers.

(iii) *Ordered to or detached from duty at trans-Atlantic stations when traveling to or from an Atlantic port.* Commissioned officers and warrant officers.

(iv) *En route to or from all points outside the continental limits of the United States not included in subdivision (i) of this subparagraph, via Atlantic or Gulf*

ports (see subdivision (v) of this subparagraph), or to or from points in Alaska. Authorized dependents of military and civilian personnel for whom transportation is authorized by the War Department.

(v) Under the terms of the above-mentioned Joint Military Passenger Agreement the provisions of subdivisions (i) and (iv) of this subparagraph concerning the free allowance via Atlantic or Gulf ports will expire 6 months after the termination of the present war as officially proclaimed by the President or the Congress.

(2) *Method of obtaining the free allowance.* In order to obtain the weight allowance of baggage authorized in subparagraph (1) of this paragraph, outbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket to the port of embarkation and a copy of travel orders issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler is en route to the applicable points designated in subparagraphs (1) (i) (ii) (iii), or (iv) of this paragraph, as the case may be, by Government or commercial facilities beyond such port. Similarly, inbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket from the port of entry to destination and a copy of travel orders issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler has arrived by Government or commercial facilities en route from the applicable points designated in subparagraphs (1) (i) (ii) (iii) or (iv) of this paragraph, as the case may be.

(3) *Restrictions.* The foregoing provisions are subject to any restrictions of the War Department which may be currently applicable regarding personal property or equipment which may be taken to or from overseas points or Alaska. IAR 55-120, 26 Apr. 1943 as amended by WD Cir. 375, 20 Dec. 1946 (R. S. 161, 41 Stat. 604; 5 U. S. C. 22, 10 U. S. C. 756, 756b)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R., Dec. 47-568; Filed, Jan. 20, 1947; 8:59 a. m.]

TITLE 13—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

APPENDIX—CHARTERS OF EMERGENCY COMPANIES

CHARTER OF WAR DAMAGE CORPORATION

Reconstruction Finance Corporation hereby certifies that pursuant to Paragraph "Tenth" of the Charter of War Damage Corporation (7 F. R. 2531), the Charter of War Damage Corporation was on January 15, 1947, further amended by changing Paragraph "Seventh" to read as follows:

SEVENTH: The Corporation shall not have succession beyond January 22, 1947, except for purposes of liquidation (including the adjustment and payment, not later than June 30, 1947, of claims duly presented under subsection (b) of section 5g of the Reconstruction Finance Corporation Act, as amended)

(48 Stat. 1108, 49 Stat. 4, 52 Stat. 212, 54 Stat. 573, 574, 961, 55 Stat. 249, 56 Stat. 174, 355; 15 U. S. C. and Sup. 606b)

RECONSTRUCTION FINANCE
CORPORATION,
HENRY T. BODMAN,
Vice Chairman.

Attest: January 15, 1947.

A. T. HOBSON,
Secretary.

[F. R. Doc. 47-533; Filed, Jan. 20, 1947;
8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 385]

PART 41—CERTIFICATION AND OPERATION
RULES FOR SCHEDULED AIR CARRIER
OPERATIONS OUTSIDE THE CONTINENTAL
LIMITS OF THE UNITED STATES

PART 42—NONSCHEDULED AIR CARRIER CER-
TIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES
FIRE PREVENTION IN AIR CARRIER AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 10th day of January 1947.

It appearing that: Amendments to §§ 41.20, 42.10 and 61.30 (11 F. R. 11353) of the Civil Air Regulations effective November 1, 1946, require extensive modification of the aircraft involved; the starting and completion dates specified in these amendments were established on the best information available when said amendments were promulgated; the time required to make the design changes and tests and the inability of the manufacturers to furnish the necessary parts and materials make it impossible for the carriers to accomplish the modifications required in compliance with the dates now specified; additional time should be granted to make such modifications, compliance with the procedures required by section 4 (a) of the Administrative Procedure Act is unnecessary.

Now, therefore: Effective January 10, 1947, §§ 41.20 (f) (2) 42.10 (b) and 61.30 (b) are amended by substituting "May 1, 1947," for "January 1, 1947," and substituting "May 1, 1948," for "January 1, 1948;" §§ 41.20 (f) (3) 42.10 (c) and 61.30 (c) are amended by substituting the date "May 1, 1947," for "January 1, 1947," and by substituting the date "May 1, 1948," for the date "September 1, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-565; Filed, Jan. 20, 1947;
8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 2—REGULATIONS FOR THE ENFORCE-
MENT OF THE FEDERAL FOOD, DRUG, AND
COSMETIC ACT

NEW DRUGS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 ff, 21 U. S. C. 301 et seq.), the Reorganization Act of 1939 (53 Stat. 561, ff, 5 U. S. C. 133-133v) and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234) the regulation heretofore promulgated as § 2.109 (21 CFR, Cum. Supp., 2.109) under section 505 (a) of the act is amended to read as follows:

§ 2.109 *New drugs; exemption from section 505 of the act.* A new drug shall not be deemed to be subject to section 505 of the act if it is a drug which is licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682; 42 U. S. C. (Supp. V) 201 et seq.) or under the animal virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.) (Sec. 701 (a) 52 Stat. 1055, Sec. 12, Reorganization Plan No. IV 54 Stat. 1237; 21 U. S. C. 371)

The foregoing amendment shall become effective upon its publication in the FEDERAL REGISTER.

Dated: January 16, 1947.

MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-581; Filed, Jan. 20, 1947;
8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 904—PROCUREMENT

[Directive 6, Revocation]

CONTRACT PROVISIONS FOR WEIGHT
DETERMINATION

Section 904.5 *Directive 6* is revoked.

Issued this 20th day of January 1947.

W. J. KERLIN,
Director of Bureau of Priorities.

[F. R. Doc. 47-649; Filed, Jan. 20, 1947;
11:15 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 43, Revocation]

AUTHORIZATIONS UNDER VETERANS' HOUSING
PROGRAM ORDER 1

Section 903.156 *Directive 43* is hereby revoked. This revocation does not affect any liabilities incurred for violation of rules, orders, regulations or other actions issued pursuant to the directive.

Issued this 20th day of January 1947.

W. J. KERLIN,
Director of Bureau of Priorities.

[F. R. Doc. 47-651; Filed, Jan. 20, 1947;
11:15 a. m.]

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directive 1, and Supplementary Directives 1-I, 1-J, 1-L, 1-Q, 1-U, and 1-V, Revocations]

DELEGATION OF AUTHORITY TO THE OFFICE OF
PRICE ADMINISTRATION WITH RESPECT TO
RATIONING

The following directives are revoked:

§ 903.1 *Directive 1.*
§ 903.10 *Supplementary Directive 1-I.*
§ 903.11 *Supplementary Directive 1-J.*
§ 903.14 *Supplementary Directive 1-L.*
§ 903.22 *Supplementary Directive 1-Q.*
§ 903.26 *Supplementary Directive 1-U.*
§ 903.41 *Supplementary Directive 1-V.*

However, the delegations of powers under such directives shall be treated as still remaining in force for the purpose of continuing in effect any requirements in orders or regulations of the Temporary Controls Administrator which relate to the preservation of records required to be made or kept before such revocations. In addition, such revocations shall not affect control over the disposition of ration evidences issued pursuant to such powers, and shall not have the effect of releasing or extinguishing any penalty or liability incurred for violation of any order, rule, or regulation issued as a result of the exercise of the rationing powers formerly conferred in such directives, and the delegations of powers under them shall be treated as still remaining in force for the purpose of allowing or sustaining any proper proceeding, action, or prosecution with respect to such penalty or liability.

Issued this 20th day of January 1947.

W. J. KERLIN,
Director of Bureau of Priorities.

[F. R. Doc. 47-648; Filed, Jan. 20, 1947;
11:15 a. m.]

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directive 7, Revocation]

DELEGATION OF ALLOCATION AUTHORITY OVER
VEGETABLE OIL SEEDS TO COMMODITY
CREDIT CORPORATION

Section 903.12 *Directive 7* is revoked. This revocation shall not have the effect of releasing or extinguishing any penalty or liability incurred for violation of any order, rule, or regulation issued

as a result of the exercise of powers delegated under such directive, and the delegation of such powers shall be treated as still remaining in force for the purpose of allowing or sustaining any proper proceeding, action, or prosecution with respect to such penalty or liability.

Issued this 20th day of January 1947.

W. J. KERLIN,

Director of Bureau of Priorities.

[F. R. Doc. 47-650; Filed, Jan. 20, 1947; 11:15 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,¹ Amdt. 33]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 2.3 (d) is amended to read as follows:

(d) *How application is made.* An industrial user's application for the increase allowed by this section must be made, in person or by mail, to the Sugar Branch Office with which he is registered. The first application for such increase must be made on OPA Form R-357 (Revised). No further application for such increase need be filed unless one or more areas to which an industrial user delivered products in 1941 are added to the areas listed in the supplement to this order. Each time one or more listed areas are added by an amendment, he must apply on OPA Form R-357 (Revised) for the increase in allotment to which he may be entitled because of the addition of such areas for the first period to which the amendment applies.

2. Section 2.3 (g) is amended by adding a parenthetical phrase to read as follows: (If during any period an industrial user ceases to make to any listed area for which he obtained an increase the deliveries required by this paragraph, he must report such fact to the Sugar Branch Office on his next application for an allotment and the amount of the increase he was granted for such delivery shall be considered excess inventory as provided in section 2.8 of this order.)

This amendment shall become effective January 25, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of January 1947.

PHILIP B. FLEMING,

Temporary Controls Administrator.

¹ 11 F. R. 116.

Rationale Accompanying Amendment No. 33 to Third Revised Ration Order 3

Present regulations. Present regulations require industrial users to file Form R-357 (Industrial User Application for Increased Allotment Based on Population Increases) for each allotment period in which the factor for that county has changed from the preceding allotment period, or when additional counties are added to the list of counties receiving increase factors.

Proposed amendment. This amendment eliminates the requirement of filing an R-357 Form when a change in factors takes place but continues the requirement of filing R-357 when a county or counties are added to the list as shown in section 4 of Supplement 1 to Third Revised Ration Order 3.

This amendment also specifically provides that if during any period an industrial user ceases to make deliveries to any county for which he was granted an increase he must report such fact to the Sugar Branch Office when he files his next application for an allotment.

Reason for change. Since the Office of Temporary Controls, Office of Price Administration, already has all necessary data with respect to the counties in which an increased factor was granted in the preceding period, the filing of this data when the factor is changed merely represents an unnecessary duplication of effort by the user and the Office of Temporary Controls. However, a report is needed when a county is added to the list, because the previous report from the user did not cover this county. Since an industrial user may use an increase granted under the provisions of section 2.3 only in products to be delivered by him to the area for which he received the increase, a user who ceases to make such deliveries must report such fact to the Sugar Branch Office.

[F. R. Doc. 47-658; Filed, Jan. 20, 1947; 11:40 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,¹ Amdt. 34]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended to read as follows:

1. Section 24.2 (a) (2) is amended to read as follows:

(2) The sum of his sugar use in each corresponding calendar month in 1944 and 1945 is divided by two and the result is multiplied by 90 percent;

2. Section 24.2 (b) (3) is amended to read as follows:

(3) The base for each calendar month, if such month is after August, is com-

¹ 11 F. R. 177, 14281.

puted by multiplying the sugar use for the corresponding calendar month in 1945 by 80 percent;

3. Section 24.2 (c) (1) is amended to read as follows:

(1) The base for each calendar month from September through December will be computed by multiplying the sugar use for the corresponding calendar month in 1945 by 80 percent;

This amendment shall become effective as of January 1, 1947.

Issued this 20th day of January 1947.

PHILIP B. FLEMING,

Temporary Controls Administrator.

Rationale Accompanying Amendment No. 34 to Third Revised Ration Order 3

The purpose of using percentage factors in establishing maximum allowances under the provisions of Amendment 24 was in order to relate allowances of sugar for the manufacture of bulk sweetened condensed milk to a representative rationing period. That is, by the use of percentage factors in establishing maximum allowances, the annual use of sugar for the manufacture of bulk sweetened condensed milk will approximate the average use of sugar for such purpose during the years 1943, 1944 and 1945. However, at the time Amendment 24 was issued, estimated data were used in establishing the percentage factors. Re-examination of these percentage factors on the basis of actual rather than estimated figures indicate that the percentage factors for the year 1945 and for the years 1944 and 1945 must be revised. The revised percentage factors for the year 1945 and for the years 1944 and 1945 are incorporated in this amendment.

[F. R. Doc. 47-657; Filed, Jan. 20, 1947; 11:40 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Corr. to Amdt. 93 (§ 1323.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS

Section 4 (k) in Amendment 93 to Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts is corrected to read "4 (r)"

Issued this 17th day of January 1947.

PHILIP B. FLEMING,

Temporary Controls Administrator.

[F. R. Doc. 47-656; Filed, Jan. 20, 1947; 11:33 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 29—CLAIMS FOR RELIEF BY CONTRACTORS

FILING AND SETTLEMENT OF CLAIMS

Pursuant to the authority vested in the Secretary of the Navy by the act of

¹ 11 F. R. 13056.

August 7, 1946, Public Law 657, 79th Congress (hereinafter referred to as the "act") and Executive Order No. 9786 dated October 5, 1946 (hereinafter referred to as the "Executive order"), the following regulations are prescribed to govern the filing, consideration, adjustment and settlement of claims for relief by contractors against the Department of the Navy under the provisions of the act and the Executive order.

§ 29.1 *Filing of claims.* (a) Where a claim shall be filed with the Navy Department under the provisions of the Executive order, it shall be filed with the bureau or activity under whose contracts and subcontracts the loss is claimed. When the claim is made with respect to contracts and subcontracts of more than one bureau or activity, the claim shall be filed with the bureau or activity under whose contracts and subcontracts the largest claim for loss is made.

(b) Since no claim shall be received or considered by any war agency unless properly filed in accordance with the provisions of the act and the Executive order on or before February 7, 1947, the date on which a claim or an amendment to a claim is filed with a bureau or office shall be immediately noted or stamped on the four copies of the claim.

(c) The bureau or activity receiving a claim filed under the provisions of the act and the Executive order shall immediately forward it to the Office of the General Counsel.

(d) Persons requesting information with respect to the requirements for the filing of claims under the provisions of the act shall be referred to the Executive order, and advised that claims will not be considered unless filed in strict accordance with the provisions of the Executive order. All questions of interpretation in respect to either the act or the Executive order shall be referred to the Office of the General Counsel.

§ 29.2 *Settlement of claims.* (a) Because of the importance of achieving uniformity in settlements under the provisions of the act and the Executive order, the claims shall be considered and settled by a central agency to be created within the Office of the Secretary. The organization, composition and procedures to be followed by such agency will be covered in a subsequent regulation.

(b) No investigation of a claim shall be made except in accordance with the instructions of the central agency referred to in paragraph (a) of this section.

(c) No settlements will be made under the provisions of the act and the Executive order prior to February 7, 1947, the last day for filing of claims and amendments thereto.

(Pub. Law 657, 79th Cong., 60 Stat 902; E. O. 9786, Oct. 5, 1946, 11 F. R. 11553)

W. JOHN KENNEY,
Acting Secretary of the Navy.

[F. R. Doc. 47-535; Filed, Jan. 20, 1947; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

GUARANTY OR INSURANCE OF LOANS TO VETERANS

The following changes are made in the Regulations governing the guaranty and insurance of loans under Title III of the Servicemen's Readjustment Act of 1944, (Pub. Law 346, 78th Cong., as amended by Pub. Law 268, 79th Cong.) as amended:

1. Section 36.4325 (b) is amended to read as follows:

§ 36.4325 *Partial or total loss of guaranty or insurance.* * * *

(b) In taking security required by the act and the regulations in this part, a holder shall obtain the required lien on property the title to which is such as to be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally in the community in which the property is situated, and if any holder fails in this respect or fails to comply with the act and the regulations to this part with respect to:

(1) Obtaining and retaining a lien of the dignity required on all property reported as being encumbered to secure a loan,

(2) Inclusion of power to substitute trustees (§ 36.4327)

(3) The procurement and maintenance of insurance coverage (§ 36.4326)

(4) Advice to Administrator as to default (§ 36.4315)

(5) Notice of intention to begin action (§ 36.4317)

(6) Notice to the Administrator in any suit or action, or notice of sale (§ 36.4319),

(7) The release, conveyance, substitution or exchange of security, except as provided in the regulations in this part,

(8) Lack of legal capacity of a party to the transaction incident to which the guaranty or the insurance is granted (§ 36.4328),

(9) Failure of the lender to see that any escrowed or earmarked account is expended in accordance with the agreement,

no claim on the guaranty or insurance shall be paid on account of the loan with respect to which such failure occurred until the loss, if any, resulting from such failure is determined. The burden shall be upon the holder to establish that such loss or any part thereof is not attributable to such failure. If so established, the amount payable, if any, shall be calculated as though the amount of the loss attributable to such failure had been paid on the indebtedness. If after the payment of a guaranty or an insurance loss, or after a loan is transferred pursuant to § 36.4318 (a) the failure to comply with the regulations as provided in this paragraph is discovered and the Administrator claims that a loss resulted the transferor or person to whom such

payment was made shall reimburse the Administrator except as to so much of the loss as such person or transferor establishes, was not attributable to such failure.

2. Paragraph (b) of § 36.4339 *Qualification for designated appraisers* is revoked January 21, 1947.

3. Section 36.4350 (a) is amended to read as follows:

REAL ESTATE LOANS

§ 36.4350 *Eligibility for guaranty or insurance.* (a) No loan for the purchase of an interest in residential, farm, or business realty, or for the cost of any construction, repairs, alterations, or improvements thereon shall be eligible for a guaranty or insurance unless the veteran has or will become vested with an estate in the subject property not less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien, or

(3) A life estate, *Provided*, That the remainder and reversionary interests are subjected to the lien.

(Sec. 504, 58 Stat. 293, Sec. 8, 50 Stat. 629; 38 U. S. C. Sup. 694d)

OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JANUARY 21, 1947.

[F. R. Doc. 47-514; Filed, Jan. 20, 1947; 8:51 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 03—PROCEDURES AND FORMS

NATIONAL INSTITUTE OF HEALTH

Pursuant to sections 3 and 12 of the Administrative Procedure Act (60 Stat. 237) the following statement is issued as an addition to the procedural statements heretofore issued under the above heading:

§ 03.309. *Relation to Food and Drug Administration; licensed products and products for investigational use only.* The Public Health Service is generally responsible to the Federal Security Administrator for the administration of the provisions of both the Public Health Service Act and of the Federal Food, Drug, and Cosmetic Act which are applicable to biological products. This responsibility extends to products licensed under the Public Health Service Act, which are deemed not subject to section 505 of the Federal Food, Drug, and Cosmetic Act, and to products intended solely for investigational use which are subject to the provisions of subsection (1) of section 505 of the Federal Food,

Drug, and Cosmetic Act and the regulations thereunder. By administrative arrangement, reports are made to the Service by the Food and Drug Administration whenever, in the course of the field operations of the Food and Drug Administration, conditions or products are encountered which there is reason to suspect may be substandard. In any emergency involving protection to the public against products which may be dangerous to life or health, proceedings may be invoked under the provisions of either act as may be agreed between the Public Health Service and the Food and Drug Administration or as the Administrator may direct. (Sec. 701 (a) 52 Stat. 1055, Sec. 12, Reorganization Plan No. IV 54 Stat. 1237, Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 21 U. S. C. 371)

JAMES A. CRABTREE,
Acting Surgeon General.

Approved: January 16, 1947.

MAURICE COLLINS,
Acting Federal Security
Administrator.

[F. R. Doc. 47-582; Filed, Jan. 20, 1947;
8:48 a. m.]

PART 21—ARSPHENAMINE AND DERIVATIVES

CROSS REFERENCE: For supersedure of Part 21 by Part 22, see Part 22 of this title, *infra*.

PART 22—BIOLOGIC PRODUCTS

VIRUS, THERAPEUTIC SERUM, TOXIN, ANTITOXIN, OR ANALOGOUS PRODUCTS OR ARSPHENAMINE OR ITS DERIVATIVES (OR ANY OTHER TRIVALENT ORGANIC ARSENIC COMPOUND)

General statement. Notice of proposed rule making having been published (11 F. R. 8378) and consideration having been given to all relevant matter presented, the following regulations are prescribed (1) to establish standards designed to insure the continued safety, purity, and potency of biological products, applicable to the prevention, treatment, or cure of diseases or injuries of man, which are to be sold, bartered, or exchanged in the District of Columbia or in Interstate or foreign commerce, and (2) to prescribe procedures for the issuance, suspension, revocation, and reinstatement of licenses to establishments for the manufacture and preparation of such products for the uses indicated. The regulations are prescribed under section 351 of the Public Health Service Act of 1944 and supersede those prescribed under the Act of July 1, 1902 (32 Stat. 728) which had been continued in effect by section 602 of the Act of July 1, 1944 (58 Stat. 682) pending the issuance of regulations under the Public Health Service Act.

Part 21, Arsphenamine and Derivatives and Part 22 Viruses, Serums, Toxins and Analogous Products are hereby superseded and a new Part 22 is hereby issued.

DEFINITIONS	
Sec. 22.1	Definitions.
LICENSES; PROCEDURE	
22.2	Application.
22.3	Inspection of establishments and examination of products prior to licensing.
22.4	Form of license: domestic establishments.
22.5	Product licenses.
22.6	Changes to be reported.
22.7	Products under development.
22.8	Issuance, revocation or suspension.
22.9	Licenses heretofore issued.
22.10	Summary suspension.
22.11	Review Board.
22.12	Opportunity for hearing.
22.13	Suspension and revocation: publication.
22.14	Reissuance.
FOREIGN ESTABLISHMENTS AND PRODUCTS	
22.20	Licenses required.
22.21	Procedure.
22.22	Form of license.
22.23	Smallpox vaccine; importation prohibited.
22.24	Samples to accompany each importation.
ESTABLISHMENT INSPECTION	
22.30	Inspectors.
22.31	Time of inspection.
22.32	Duties of inspector.
ESTABLISHMENT STANDARDS	
22.35	Responsible head.
22.36	Records, samples, cultures.
22.37	Physical establishment; construction, equipment and care.
22.38	Animals used in production.
22.39	Human blood donors.
STANDARDS FOR PRODUCTS: LABELS	
22.50	Container labels.
22.51	Proper name on outside label.
22.52	Outside label; additional items.
22.53	Divided manufacturing responsibility to be shown.
22.54	Name of selling agent or distributor.
22.55	Products for export.
STANDARDS FOR PRODUCTS: GENERAL	
22.70	Tests prior to release.
22.71	Tests: by whom made.
22.72	Ingredients, preservatives, diluents.
22.73	Total solids in serums.
22.74	Permissible combinations.
22.75	Container and closure.
22.76	Standard units or samples.
22.77	Standards of potency; particular products.
22.78	Dating period; date of manufacture.
22.79	Dating period; products in cold storage.
ADDITIONAL STANDARDS: TRIVALENT ORGANIC ARSENICALS	
22.90	Tests prior to release.
22.91	Pre-testing by Institute; sample of each lot.
22.92	Expiration date.
22.93	Composition of product.
22.94	Container.
22.95	Final container label.
22.96	Outside label.

AUTHORITY: §§ 22.1 to 22.90, inclusive, issued under sec. 351, 58 Stat. 702; 42 U. S. C., Sup. 262. Statutes giving special authority are cited in parentheses, at the end of affected sections.

CROSS REFERENCE: Federal Security Agency regulations relating to drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.). See Food and Drug Administration, Federal Security Agency, 21 CFR, Chap. I, Parts 2, 135, 141, 144, 145, 146. Exemption from section 505 of the Federal

Food, Drug, and Cosmetic Act (21 U. S. C. 355) of new drugs licensed under the Public Health Service Act; see 21 CFR, Chap. I, 2.169. Drugs intended solely for investigational use, see 21 CFR, Chap. I, 2.114.

CROSS REFERENCE: Bureau of Customs regulations relating to viruses, serums and toxins: See Customs Duties, 19 CFR, Cum. Supp., 12.21-12.23.

CROSS REFERENCE: Post Office regulations relating to importation and transportation of viruses, serums, and antitoxins by mail: See Postal Service, 39 CFR 6.14, 21.54.

DEFINITIONS

§ 22.1 *Definitions.* As used in this part:

(a) "Act" means the Public Health Service Act (58 Stat. 682), approved July 1, 1944.

(b) "Administrator" means the Federal Security Administrator.

(c) "Surgeon General" means the Surgeon General of the United States Public Health Service.

(d) "Institute" means the National Institute of Health in the Public Health Service.

(e) "State" means a State or the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(f) "Possession" includes, among other possessions, Puerto Rico and the Virgin Islands.

(g) "Biologic product" means any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention, treatment or cure of diseases or injuries of man:

(1) A virus is a product containing the minute living cause of an infectious disease.

(2) A therapeutic serum is the product obtained from the blood of an animal by removing the clot or clot components and the blood cells and intended for administration by a route other than ingestion.

(3) A toxin is a product containing a soluble substance poisonous to laboratory animals or to man in doses of 1 milliliter or less (or equivalent in weight) of the product, and having the property, following the injection of non-fatal doses into an animal, of causing to be produced therein another soluble substance which specifically neutralizes the poisonous substance and which is demonstrable in the serum of the animal thus immunized.

(4) An antitoxin is a product containing the soluble substance in serum or other body fluid of an immunized animal which specifically neutralizes the toxin against which the animal is immune.

(5) A product is analogous:

(i) To a virus if prepared from or with a virus or agent actually or potentially infectious, without regard to the degree of virulence or toxicogenicity of the specific strain used.

(ii) To a therapeutic serum, if composed of whole blood or plasma or containing some organic constituent or product other than a hormone or an amino acid, derived from whole blood, plasma, or serum and intended for administration by a route other than ingestion.

(iii) To a toxin or antitoxin, if intended, irrespective of its source of origin, for the prevention, treatment, or cure of diseases or injuries of man through specific immunization.

(h) "Trivalent organic arsenicals" means arsphenamine and its derivatives (or any other trivalent organic arsenic compound) applicable to the prevention, treatment, or cure of diseases or injuries of man.

(i) "Products" includes biologic products and trivalent organic arsenicals. A product is deemed "applicable to the prevention, treatment or cure of diseases or injuries of man" irrespective of the mode of administration or application recommended, including use when intended, through administration or application to a person, as an aid in diagnosis or in evaluating the degree of susceptibility or immunity possessed by a person; and including also any other use for purposes of diagnosis if the diagnostic substance so used is prepared from or with the aid of a biologic product.

(j) "Proper name" as applied to a product, means the name designated in the license for use upon each container of the product.

(k) "Dating period" means the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results.

(l) "Expiration date" means the date of termination of the dating period.

(m) The word "standards" means specifications and procedures applicable to an establishment or to the production, content, testing, labeling, or release of products prepared therein, which are prescribed in this part and which are designed to insure the continued safety, purity and potency of such products.

(n) The word "continued" as applied to the safety, purity and potency of products is interpreted to apply to the dating period.

(o) The word "safety" is interpreted to apply to the relative freedom from harmful effect to the recipient when a product is prudently administered taking into consideration the character of the product in relation to the condition of the patient at the time.

(p) The word "purity" is interpreted to mean the degree of freedom from extraneous matter, whether harmful to the recipient, deleterious to the product or otherwise, in the finished product.

(q) The word "potency" is interpreted to mean the specific ability or capacity of the product, as indicated by appropriate laboratory tests or by adequately controlled clinical data obtained through the administration of the product in the manner intended, to effect a given result.

(r) "Manufacturer" includes any individual, trust or estate, association, partnership or corporation engaged in the manufacture of a product subject to license under the act.

(s) "Establishment" means that portion of the properties of any manufacturer which is given over to the manufacture of a product subject to license, including equipment and animals used, and the personnel engaged in such manufacture.

(t) "Selling agent" or "distributor" means any person engaged in the unrestricted distribution, other than by sale at retail, of products subject to license.

LICENSES; PROCEDURE

§ 22.2 *Applications.* To obtain a license for any establishment, biologic product or trivalent organic arsenical, the manufacturer shall make application to the Surgeon General on forms prescribed for such purpose, and in the case of an application for a product license shall submit samples of the product and specimens of the labels, enclosures, and containers proposed to be used for such product.

§ 22.3 *Inspection of establishments and examination of products prior to licensing.* Licenses shall be issued only after inspection of the establishment and examination of the product for which a product license is desired and upon a determination that the establishment and the product meet the standards prescribed in the regulations in this part. Additional product licenses shall be issued only upon examination of the product and a determination that the product meets the standards prescribed in the regulations in this part.

§ 22.4 *Form of license: domestic establishments.* The following form of license is prescribed for establishments located in any State or possession of the United States:

Establishment License No. -----

This is to certify that ----- of -----, through the establishment identified as ----- located at ----- is hereby licensed, pursuant to section 351 of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), and regulations thereunder, to propagate or manufacture, and to prepare for sale in the District of Columbia, or for sending, bringing or carrying from any State or possession into any other State or possession or into any foreign country any virus, serum, toxin, antitoxin, or analogous product, or arsphenamine or its derivatives (or any other trivalent organic arsenic compound) for the propagation and manufacture of which the establishment holds an unsuspended and unrevoked license issued by the Federal Security Administrator pursuant to said act and regulations.

Federal Security Administrator.

Date -----

§ 22.5 *Product licenses.* Each product license shall designate:

- (a) The manufacturer.
- (b) The establishment.
- (c) The license number of the establishment.

(d) The proper name of the product, with additional specifications, if any, which may be approved or required for additional labeling purposes.

§ 22.6 *Changes to be reported.* Important changes in location, equipment, management and responsible personnel, or in production methods and labeling of any licensed product or of any product for which an application for a license is pending shall be immediately reported to the Institute by any establishment holding a license, and, unless in case of an emergency, not less than 30 days in advance of the time such changes are made; failure to make such report shall constitute a ground for summary suspension of a license pending reinspec-

tion of the establishment or re-examination of the product.

§ 22.7 *Products under development.* A biologic product or trivalent organic arsenical undergoing development, but not yet ready for a product license, may be shipped or otherwise delivered from one State or possession into another State or possession, for purposes of controlled investigation, only in accordance with regulations under section 505 (1) of the Federal Food, Drug, and Cosmetic Act, as amended.

§ 22.8 *Issuance, revocation or suspension.* A license shall be issued by the Administrator upon the recommendation of the Surgeon General and upon the finding by the Surgeon General that the establishment or the product, as the case may be, meets the standards established by the regulations in this part as herein prescribed or hereafter amended. Licenses shall be valid until suspended or revoked. An establishment or product license shall be revoked upon application of the manufacturer giving notice of intention to discontinue the manufacture of all products or of intention to discontinue the manufacture of a particular product for which a license is held. The Surgeon General shall recommend to the Administrator that a license be suspended or revoked whenever he finds, after notice and opportunity for hearing, that the establishment or the product for which the license has been issued fails to conform to the standards in the regulations in this part as herein prescribed or hereafter amended to insure the continued safety, purity and potency of the manufactured product. In case of suspension, if the faulty condition is not corrected within 60 days or within such other period as may be specified in the notice of suspension, he shall recommend that the license be revoked. Except as provided in § 22.10, prior to the institution of proceedings looking to the suspension or revocation of a license the licensee shall be advised in writing of the facts or conduct which may warrant such action and shall be accorded opportunity within a reasonable period prescribed by the Surgeon General to demonstrate or achieve compliance with the regulations in this part.

§ 22.9 *Licenses heretofore issued.* Any license heretofore issued and in effect upon the effective date of the regulations in this part shall remain in effect unless and until superseded by a new license, or suspended or revoked, pursuant to the regulations in this part.

§ 22.10 *Summary suspension.* Whenever the Surgeon General has reasonable ground to believe that an establishment or product for which a license has been issued fails to conform to the standards prescribed in the regulations in this part, and that by reason of such failure and of failure of the manufacturer to take prompt corrective measures on notice thereof, the distribution or sale of a licensed product would constitute a danger to health, or that the establishment and production methods have been so changed as to require in order to protect the public health a new showing that the

establishment or product meets the standards prescribed in the regulations in this part, he may recommend to the Administrator that the license for the establishment or the product be summarily suspended and the manufacturer be required (a) to notify the selling agents and distributors to whom such product or products have been delivered of such suspension, (b) to furnish complete records of such deliveries and notice of suspension, and (c) to show cause within 60 days or such other period as may be specified in the order why the license should not be revoked.

§ 22.11 *Review Board.* When deemed advisable by the Surgeon General, in matters involving the safety, purity and potency of licensed products or products for which an application for license is pending, the reports of inspection and laboratory examinations, together with any pertinent data the establishment may submit, shall be passed upon by a special board of three officers appointed by the Surgeon General for that purpose. The board shall report its findings to the Surgeon General who will forward its report, together with his findings and recommendations, to the Administrator.

§ 22.12 *Opportunity for hearing.* Any manufacturer whose application for a license has been denied, or whose establishment or product license has been summarily suspended, without prior opportunity for hearing, may appeal from such denial or suspension and shall be entitled to a hearing thereon before a review body constituted as provided in § 22.11. The Surgeon General, upon review of the record, may affirm, reverse, or modify the findings of the review board, or may direct the taking of further testimony, and shall forward his determinations and recommendations to the Administrator.

§ 22.13 *Suspension and revocation: publication.* Notice of suspension or revocation of license, with statement of cause therefor, may be published by the Administrator.

§ 22.14 *Reissuance.* An establishment license, previously revoked or suspended may be reissued or reinstated upon inspection of the establishment, or upon examination of the product showing that the reasons for revocation or suspension have been corrected, except that in case of a product license revoked upon application or because of failure to meet changes in standards prescribed by amendment to the regulations in this part after the issuance of such license, only such inspection and examination as may be considered advisable by the Institute shall be required.

FOREIGN ESTABLISHMENTS AND PRODUCTS

§ 22.20 *Licenses required; products for controlled investigation only.* Any biologic or trivalent organic arsenical propagated or manufactured and prepared in any foreign country and intended for sale, barter or exchange shall be refused entry by collectors of customs unless produced in an establishment holding an unsuspended and unrevoked establishment license and license for the

product. Unlicensed products intended solely for purposes of controlled investigation are admissible only if in accord with applicable regulations under section 505 (i) of the Federal Food, Drug, and Cosmetic Act, as amended.

§ 22.21 *Procedure.* Except as otherwise provided in this part, licenses for foreign establishments and products shall be issued, suspended or revoked in the same manner as licenses for domestic establishments and products. Each foreign establishment holding a license and consigning any licensed biologic product or trivalent organic arsenical into any State or possession shall be required to file with the Surgeon General the name and address of any representative or representatives authorized by the establishment to distribute the product, and such representative or representatives shall keep such records of such distribution as are required of domestic licensed establishments, and failure to maintain such records shall constitute ground for revocation of license.

§ 22.22 *Form of license.* Licenses for establishments located in foreign countries shall be in form similar to that for domestic establishments except that they shall authorize preparation for sending, carrying, or bringing for sale, barter or exchange from the foreign country designated in the license into any State or possession of the United States and shall specify that it is issued upon the condition that the licensee will permit the inspection during all reasonable hours of the establishment by any officer, agent, or employee of the Federal Security Agency authorized by the Federal Security Administrator for such purpose.

§ 22.23 *Smallpox vaccine; importation prohibited.* The importation of smallpox vaccine into any State or possession from any foreign country is prohibited except that smallpox vaccine may be sent from any foreign country, in containers indicating plainly the limited purpose intended, to the Institute for test or research purposes or for vaccine production. (Sec. 361, 58 Stat. 702; 42 U. S. C., Sup. 262)

§ 22.24 *Samples to accompany each importation.* Each foreign importation of a biologic product or trivalent organic arsenical from a licensed establishment, whether or not intended for investigational use only, shall be accompanied by at least two final containers of each lot of any biologic product and by at least 15 final containers of each lot of any trivalent organic arsenical contained in the shipment. Such samples shall be forwarded by the collector of customs at the port of entry to the Institute for examination. If separate samples are not found accompanying the shipment, samples shall be obtained from the shipment by the collector of customs and forwarded to the Institute. (Sec. 801, 52 Stat. 1058; 21 U. S. C. 381)

ESTABLISHMENT INSPECTION

§ 22.30 *Inspectors.* Inspections shall be made by an officer of the Public Health Service having special knowledge of the methods used in the production and con-

trol of biologic products and designated for such purpose by the Surgeon General or by any officer, agent, or employee of the Federal Security Agency specifically designated for such purpose by the Administrator.

§ 22.31 *Time of inspection.* The inspection of an establishment for which a license is pending need not be made until the establishment is in operation and is manufacturing the complete product for which a product license is desired. In case the license is denied following inspection for the original license, no reinspection need be made until assurance has been received that the faulty conditions which were the basis of the denial have been corrected. An inspection of each licensed establishment shall be made at least once each year. Inspections may be made with or without notice, and shall be made during regular business hours unless otherwise directed.

§ 22.32 *Duties of inspector.* The inspector shall:

(a) Call upon the active head of the establishment, stating the object of his visit,

(b) Interrogate the proprietor or other personnel of the establishment as he may deem necessary,

(c) Examine the details of location, construction, equipment and maintenance, including stables, barns, warehouses, production laboratories, bleeding clinics maintained for the collection of human blood, shipping rooms, record rooms, and any other structure or appliance used in any part of the propagation, manufacture, and preparation of a product,

(d) Investigate as fully as he deems necessary the methods of propagation, processing, testing, storing, dispensing, recording, or other details of manufacture and distribution of each licensed product, or product for which a license has been requested, including observation of these processes in actual operation,

(e) Obtain and cause to be sent to the Institute adequate samples for the examination of any product or ingredient used in its preparation,

(f) Bring to the attention of the manufacturer any fault observed in the course of inspection in location, construction, production methods, or administration of a licensed establishment which might lead to impairment of a product,

(g) Inspect and copy, as circumstances may require, any records required to be kept pursuant to § 23.36,

(h) Certify as to the condition of the establishment and of the production methods followed and make recommendations as to action deemed appropriate with respect to any application for license or any license previously issued.

ESTABLISHMENT STANDARDS

§ 22.35 *Responsible head.* A responsible person shall be in permanent and full control of the establishment in all matters relating to the manufacture of products. A responsible person is one who has been trained in the manufacturing techniques employed and the fundamental scientific facts upon which the manufacture of products rests, who is capable of enforcing discipline among

the employees under his supervision, and to whom sufficient authority has been delegated for such purpose.

§ 22.36 Records, samples, cultures—

(a) *Production and distribution records.* Records shall be kept, with dates, of the various steps in the manufacture, testing, disposition, and distribution of each lot, so that at any time these steps as regards any lot number may be traced by an inspector. The records shall be retained, for such interval beyond the expiration date as is considered necessary for the individual product to permit the return of any clinical report of unfavorable reactions. This interval will vary with the type of product and its geographic distribution. A minimum of 6 months after the expiration date with 5 years as the extreme interval under all circumstances is considered adequate. Records of distribution of each lot shall in any event be kept as long as the lot remains the property of the licensed manufacturer.

(b) *Records of recall.* Complete records shall be maintained pertaining to the recall from distribution of any product upon notification from the Institute of failure to conform with the standards prescribed in the regulations in this part, deterioration of the product or any other factor by reason of which the distribution of the product would constitute a danger to health.

(c) *Sterilization records.* Records including the date, duration, and temperature of each sterilization shall be made by means of automatic registering devices or under a system of recording which gives reasonable assurance of the accuracy and reliability of the record.

(d) *Animal necropsy records.* A necropsy record shall be kept on each animal from which a biologic product has been obtained and which dies or is killed because of disease while employed in production of a product.

(e) *Retention of reference samples.* Reference samples from each lot shall be retained by the manufacturer until the entire lot has become outdated and for 6 months thereafter. Exceptions may be authorized by the Institute when the lot yields relatively few final containers and when such lots are prepared by the same method in large numbers and in close succession.

(f) *Cultures.* Cultures and other materials while used in the production of licensed products shall be labeled and preserved in a safe and orderly manner.

(g) *Records in case of divided manufacturing responsibility.* If two or more establishments participate in the manufacture of a product, the records of both establishments must show plainly the degree of responsibility of each in the manufacturing process.

§ 22.37 Physical establishment; construction, equipment and care—(a) *Work with spore-bearing organisms.* All work with spore-bearing micro-organisms shall be carried out in (1) an entirely separate building with its own entrance, or (2) a portion of a building used for the manufacture of other products constructed in such a manner as to be completely walled-off so that admission to the special unit may be gained

only through an entrance independent of the remainder of the building. All containers used shall be permanently marked so as to avoid the possibility of contamination of products.

(b) *Work of a diagnostic nature.* Laboratory procedures of a clinical diagnostic nature involving possibly contaminated materials shall be in space set apart from that used for the production of licensed products, except that production space which is used only occasionally may be used for diagnostic work provided spore-bearing pathogenic micro-organisms are not involved and provided the space is thoroughly cleaned before production is resumed.

(c) *Laboratory and bleeding rooms.* Laboratory rooms for the production of licensed products, including the bleeding rooms and other places where cleanliness is essential, shall be efficiently screened and kept free of flies and other insects or vermin. Building construction shall be such as to insure freedom from dust, smoke and deleterious or obnoxious odors in the laboratory and bleeding rooms and such as to permit thorough cleaning and, when necessary, chemical disinfection of bleeding rooms and rooms for smallpox vaccine animals.

(d) *Stables.* Stables shall be well lighted and well ventilated, and the floors shall be so constructed and cared for as to insure cleanliness.

(e) *Sterilization.* Sterilization equipment and methods used shall be such as to insure the complete destruction of contaminating, living organisms, including living spores. The containers, filling apparatus, and other pieces of apparatus or materials which may come in contact with biologic products during manufacture shall be scrupulously clean. Such equipment shall be absolutely sterile unless the product is protected by subsequent sterilizing treatment.

(f) *Containers used in production.* All containers used in preparation of biologic products shall be of such construction as will readily permit inspection for cleanliness.

(g) *Hot water available.* Hot water shall be provided in bleeding rooms and stables for smallpox vaccine animals.

(h) *Disposal of manure.* No manure shall be so stored as to permit the breeding of flies on the premises nor shall the establishment be located in close proximity to off-property manure storage capable of engendering fly breeding.

(i) *Isolation of hog cholera production.* All personnel, animals and equipment used in the production of hog cholera serum shall be kept entirely separate from personnel, animals, and materials used in the production of biologic products for human use.

§ 22.38 Animals used in production—

(a) *Quarantine and care.* Animals used in production of biologic products shall be kept under competent daily inspection and preliminary quarantine for a period of at least 7 days before use. Only healthy animals free from communicable disease shall be used for production purposes and at all times shall be adequately housed, fed, and humanely treated. Particular care shall be taken during the quarantine period to eliminate those animals of the equine genus

which may be infected with glanders, and those of the bovine genus which may be infected with tuberculosis.

(b) *Immunization against tetanus.* All horses used in the production of biologic products, except those which are under active immunization for the production of tetanus antitoxin, shall receive injections of tetanus toxoid in such amounts and at such intervals as experience has shown adequate to insure immunity to tetanus.

(c) *Disposal of used animals.* No animal used for production or testing of products shall be removed from the premises while it is capable of transmitting disease. An animal which is unsuitable because of its physical condition for the production or testing of a product shall not be removed from the premises alive except for the purpose of being utilized for animal by-products. No animal shall be allowed to continue to live unnecessarily when to do so would be an inhumane act.

(d) *Reporting of certain diseases required.* In case of actual or suspected infection with foot and mouth disease, glanders, tetanus, anthrax, gas gangrene, equine infectious anemia, or equine encephalomyelitis among animals intended for use or used for the production of biologic products, the manufacturer shall immediately notify the Institute.

(e) *Smallpox vaccine production animals.* Animals used for propagation of smallpox vaccine shall be thoroughly cleaned with soap and water at the beginning of the quarantine and at its conclusion. No area of the animal shall be vaccinated which is liable to be contaminated by feces.

(f) *Treatment of vaccinated animals.* Preliminary to taking smallpox vaccine material from vaccinated animals, such animals shall be killed or rendered insensible to pain.

(g) *Restriction on attendants.* Personnel while caring for smallpox vaccine animals shall be excluded from horse stables and paddocks and from contact with horses.

§ 22.39 Human blood donors. Only those persons may serve as a source of the whole blood for use in preparing a licensed product whose physical condition is such that the withdrawal of the desired amount of blood will not endanger their health and who are certified by a qualified doctor of medicine as being free of disease transmissible by blood transfusion as far as can be determined from the donor's personal history, from physical examination and such clinical tests as appear necessary for each donor on the day upon which the blood is withdrawn from the donor, except that this requirement may be modified by the Institute if the licensed product is processed by a method which insures the destruction or complete removal of the causative agent of such disease.

STANDARDS FOR PRODUCTS: LABELS

§ 22.50 Container labels. The following items shall appear on the label affixed to each container of a product capable of bearing a full label:

- (a) The proper name of the product;
- (b) Name, address, and license number of manufacturer;

- (c) Lot number;
(d) The expiration date.

If the final container is capable of bearing only a partial label, the final container shall show as a minimum the name (expressed either as the proper or common name) the lot number, and the name of the manufacturer and, if the final container is incapable of bearing any label, the items shall appear only on the outside label.

If the final container is a multiple dose container, the container label must indicate the recommended dose. When the label has been affixed to the container a sufficient area of the container must remain uncovered for its full length or circumference to permit inspection of the contents.

§ 22.51 *Proper name on outside label.* The proper name in the form designated in the product license for such purpose must appear upon the outside label in legible type and shall be given precedence in position and prominence over any trade-mark or trade name used:

(a) The "outside label" is the label of the carton enclosing one or more final containers, except that if no such carton is used the label of the individual final container is regarded as the outside label.

(b) "Legible type" includes only type of a size and character which can be read with ease when held in a good light and with normal vision.

(c) "Precedence in position" of the proper name will have been observed if it is placed above any trade-mark or trade name and provided it is symmetrically arranged with respect to other printing on the label.

(d) "Precedence in prominence" of the proper name will have been observed if the style of type is of the same or greater point size and of equal face, or heavier, than that used in printing the trade-mark or trade name, and if the contrast in color value between the proper name and the background is not less than that between the trade-mark or trade name and the background.

§ 22.52 *Outside label; additional items.* The label affixed to the outside carton shall include, in addition to the proper name and the items required on the label of the final container, the following:

(a) The preservative used and its concentration,

(b) The volume of the contents, if a liquid, or the weight, if a solid, and the potency or dosage if more than one strength is dispensed,

(c) The recommended storage temperature,

(d) The words "Shake Well," or equivalent, when indicated by the character of the product,

(e) The dose and route of administration recommended or reference to such directions in an enclosed circular,

(f) The source of the product when a factor in safe administration,

(g) Minimum potency of product expressed in terms of official standard of potency or, if potency is a factor and no standard of potency has been prescribed, the words "No U. S. standard of potency."

§ 22.53 *Divided manufacturing responsibility to be shown.* If two or more establishments participate in the manufacturing process, the name, address, and license number of each must appear on the label of the final container, if capable of bearing a full label, and on the outside label.

§ 22.54 *Name of selling agent or distributor.* The name and address of the selling agent or distributor of a product may appear on the label under the designation of "selling agent" or "distributor" provided that the name and address of the manufacturer is given precedence in prominence.

§ 22.55 *Products for export.* Labels on packages or containers of products for export may be adapted to meet specific requirements of the regulations of the country to which the product is to be exported provided that in all such cases the minimum label requirements prescribed in § 22.50 are observed.

STANDARDS FOR PRODUCTS: GENERAL

§ 22.70 *Tests prior to release.*—(a) *Required for each lot.* No lot of any licensed product shall be released by the manufacturer prior to the completion of tests for conformity with the standards applicable to such product.

(b) *Potency.* Tests for potency shall be made on each lot only after completion of those processes of manufacture which may affect the potency of the final product.

(c) *Identity and safety.* The contents of a final container of each filling of each lot shall be tested for identity, if such a test is available, and for safety either after the labels have been affixed to the final container or affixed, both outside and inside, to the multiple container storage receptacle just prior to its sealing for storage purposes, except that exceptions to this procedure may be authorized by the Institute to apply when the volume of the final container is very large and when more than one lot is processed each day.

(d) *Sterility.* Samples from final containers selected at random after each filling from each lot of products shall be tested for sterility.

§ 22.71 *Tests: by whom made.* Tests for safety, purity and potency applicable to the product shall be completed for each lot of any licensed product prior to its release by the manufacturer, and samples of any lot of any licensed product may at any time be required to be sent to the Institute for examination.

§ 22.72 *Ingredients, preservatives, diluents.* All ingredients used in a licensed product, and any diluent provided as an aid in the administration of the product shall meet generally accepted standards of purity and quality. Any preservative used shall be sufficiently non-toxic so that the amount present in the recommended dose of the product will not be toxic to the recipient, and in the combination used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 22.73 *Total solids in serums.* Except as otherwise provided by regulation, no liquid serum or antitoxin shall contain more than 20 percent total solids.

§ 22.74 *Permissible combinations.* Licensed products may not be combined with other licensed products, either therapeutic, prophylactic or diagnostic, except as a license is obtained for the combined product. Licensed products may not be combined with nonlicenseable therapeutic, prophylactic, or diagnostic substances except as a license is obtained for such combination.

§ 22.75 *Container and closure.* Glass used in the container of a licensed product intended for administration by injection shall be colorless and fully transparent. The quality of the glass and of the closure used shall be such as will not hasten the deterioration of the licensed product or render it less suitable for the use intended within the dating period.

§ 22.76 *Standard units or samples.* Standard units or samples for comparison made available by the Institute shall be applied in testing for potency all forms of diphtheria antitoxin, tetanus antitoxin, botulism antitoxin Type A, botulism antitoxin Type B, perfringens antitoxin, scarlet fever streptococcus antitoxin, vibron septique antitoxin, antipneumococcal serum (Types I, II, V, VII, and VIII) dysentery antitoxin (Shiga), staphylococcus antitoxin, histolyticus antitoxin, oedematiens antitoxin, and sordell antitoxin and other products for which such units are available.

§ 22.77 *Standards of potency; particular products.* Diphtheria antitoxin shall have a potency of not less than 500 units per milliliter. Tetanus antitoxin shall have a potency of not less than 400 units per milliliter. Scarlet fever streptococcus antitoxin shall have a potency of not less than 400 units per milliliter. Antitoxins dispensed in the dried state shall represent liquid antitoxins of not less than these potencies.

§ 22.78 *Dating period; date of manufacture.* The dating period shall be determined with reference to the date of manufacture which shall be:

(a) For products for which an official standard of potency exists or which are subject to official potency tests, the last date of satisfactorily passing a potency test;

(b) For products for which no official standard of potency exists or which are not subject to official potency tests,

(1) The date of removal from the animal in case of animal products;

(2) The date of extraction in the case of products used for specific desensitization;

(3) The date of solution in case of venoms, and

(4) The date of cessation of growth in case of other products;

(c) For products which are submitted to the Institute for approval prior to release, the date of official release notice.

§ 22.79 *Dating period; products in cold storage.* The dating period may be determined with reference to the period of issue from cold storage, *Provided*, That, except as may be otherwise pre-

scribed for individual products, the date of such issue is not more than six months after the date of manufacture and the product is kept constantly at a temperature not exceeding 10° C., or not more than 1 year after the date of manufacture if the product is kept constantly at a temperature not exceeding 5° C., or not more than 2 years if the product is kept constantly at a temperature not exceeding 0° C.

ADDITIONAL STANDARDS: TRIVALENT ORGANIC ARSENICALS

§ 22.90 *Tests prior to release.* Tests required to be made, prior to the release of each lot of a licensed product, shall be supplemented in the case of the trivalent organic arsenicals by tests for:

- (a) Stability,
- (b) Solubility,
- (c) Arsenic content,
- (d) Moisture,
- (e) Relative non-toxicity.

§ 22.91 *Pre-testing by Institute samples of each lot.* Prior to the release of any lot of the product, the manufacturer shall forward to the Institute no less than 15 ampoules of the largest single-dose size in such lot, together with protocols showing the results of each test required prior to release.

§ 22.92 *Expiration date.* Notification from the Institute that lot samples forwarded in accordance with § 22.91 have satisfactorily passed prescribed tests shall indicate a date which may be taken as the date of manufacture for the purpose of fixing the expiration date. The date of issue shall be the same as the date of manufacture.

§ 22.93 *Composition of product.* Solutions or solutions of mixtures in the concentrations recommended for clinical administration shall be of such hydrogen ion value and tonicity as to be physiologically compatible with human blood.

§ 22.94 *Container.* The product shall be hermetically sealed under vacuum or under a dry non-oxidizing gas in ampoules prepared from glass of the quality prescribed in § 22.75.

§ 22.95 *Final container label.* In addition to the labeling requirements stated in § 22.50 the final container label of the trivalent organic arsenicals shall bear the statements required in § 22.96 (b) and (c) and an additional statement giving the amount of the drug contained in the ampoule.

§ 22.96 *Outside label.* The outside label, in addition to the complete proper name and all other items required for products generally shall show conspicuously: (a) If the product is dispensed as a mixture or solution, the name of all admixed substances,

(b) If the ampoule is a multiple dose container, the fact that it is a multiple dose container,

(c) Specific method of preparation, if any, required prior to administration, as, for example, alkalization.

Effective date; prior regulations superseded. The regulations in this part shall be effective with respect to all products, as herein defined, thirty days after their publication in the FEDERAL REG-

ISTER, and as of such date shall supersede all regulations, not heretofore revoked, issued under the authority of the act of July 1, 1902 (32 Stat. 728), the regulations contained in §§ 21.1 to 21.9, inclusive, and §§ 22.1 to 22.14, inclusive, Title 42, Code of Federal Regulations, Cum. Supp., are hereby repealed as of such date.

Issuing authority. Regulations contained in §§ 22.35-22.39, 22.50-22.55, 22.70-22.79, and 22.90-22.96, prescribing standards designed to insure the continued safety, purity, and potency of products, issued jointly by the Surgeon General of the Public Health Service, the Surgeon General of the Army, and the Surgeon General of the Navy, with the approval of the Federal Security Administrator; regulations contained in §§ 22.1-22.14, 22.20-22.24, 22.30-22.32, issued by the Surgeon General of the Public Health Service, with the approval of the Federal Security Administrator.

[SEAL] N. T. KIRK,
Surgeon General of the Army.
C. A. SWANSON,
Surgeon General of the Navy.
JAMES A. CRABTREE,
Surgeon General of the Public Health Service.

Approved: January 16, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator

[F. R. Doc. 47-573; Filed, Jan. 20, 1947;
8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

MONTANA, ARIZONA, NEVADA AND WYOMING

CROSS REFERENCE: For orders affecting the tabulation contained in § 162.1, see Public Land Order 341 under this title revoking the withdrawal of certain lands in Montana Grazing District No. 1 for War Department use, and F. R. Doc. 47-537 under Department of the Interior, Bureau of Land Management, in the Notices section, providing for the opening of public lands in Arizona Grazing District No. 3; and F. R. Docs. 47-552 and 47-553 under Department of the Interior, Bureau of Reclamation, in the Notices section, withdrawing certain lands in Nevada Grazing Districts Nos. 2 and 3 and Wyoming Grazing District No. 1.

[Circular 1633]

PART 193—COAL PERMITS, LEASES AND LICENSES

COAL PROSPECTING PERMITS

1. Section 193.26 is revoked and §§ 193.22, 193.23 and 193.25 are amended to read as follows:

§ 193.22 *Form of permit.* Coal permits will be issued on form 4-694.

Form 4-694

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

District Land Office.....

Serial No.....

COAL PROSPECTING PERMIT

Know all men by these presents, That the Director, Bureau of Land Management, under and by virtue of the act of Congress entitled, "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437, 30 U. S. C. sec. 181), has granted and does hereby grant a permit to.....

of the exclusive right for a period of two years from the date hereof to prospect for coal on the following described lands.....

but for no other purpose, under the provisions of said act and upon the following express conditions, to-wit

1. To begin prospecting work within 90 days from date hereof and to diligently prosecute the same during the period of such permit in accordance with the following plan:

2. To remove from said premises only such coal or other material as may be necessary to prospecting work, and to keep a record of all coal mined and disposed of, payment of royalty thereon of 25 cents per ton of 2,000 pounds to be made to the Manager of the district land office not later than during the calendar month succeeding that during which such coal was disposed of.

3. To afford all facilities for inspection of the prospecting work on behalf of the Secretary of the Interior, and to make a report on demand of all matters pertaining to the character, progress, and results of such work.

4. To observe such conditions as to the use and occupancy of the surface of the lands as provided by law, in case any of said lands shall have been or may be entered or patented with a reservation of the coal deposits to the United States.

5. To abide by and conform to any and all reasonable regulations of the Secretary of the Interior now or hereafter in force, all of which regulations are made a part and condition of this permit: *Provided*, That such regulations are not inconsistent with any express and specific provisions hereof.

6. That the permittee shall not assign this permit or any interest therein, whether by direct assignment, operating agreement, working or royalty interest, or otherwise, except with the consent in writing of the Director, Bureau of Land Management. All such assignments must be submitted, in triplicate, within 90 days from date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the true consideration is not stated in the instrument, an accompanying affidavit must be submitted stating the consideration in full.

7. To conduct operations under this permit in such a way as not to interfere with the administration and use of the lands to a greater extent than may be determined by the Secretary of the Interior to be necessary for the most beneficial use of the lands in case any of the lands described herein are embraced in a forest, reclamation, power, or other withdrawal or is segregated for any particular purpose.

8. That the permittee shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and shall require an identical provision to be included in all subcontracts.

9. That there is reserved to the United States (1) pursuant to the provisions of the

Act of August 1, 1946 (60 Stat. 755), all uranium, thorium, or any other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the lands and prospect for, mine, and remove the same; (2) the right to permit for joint or several use such easements or rights of way upon, through, or in the lands embraced herein as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in the act of February 25, 1920, *supra*, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes; (3) the right to lease, sell, or otherwise dispose of the surface of said lands under existing law or laws hereafter enacted in so far as said surface is not necessary for the use of the permittee in prospecting hereunder, and (4) the right and authority to cancel this instrument for failure of the permittee to comply with any of the conditions hereof, after 30 days' notice of the reasons for such cancellation.

The granting of this permit will not preclude the issuance of other permits or leases of the same lands for the mining of other minerals with suitable stipulations as to joint operation, in order that the full development of the mineral resources may be obtained.

Valid existing rights acquired prior hereto on the lands described herein will not be adversely affected hereby.

An application for extension of this permit should be filed only within the period beginning 90 days prior to the date to which the permit is limited and ending 30 days after that date. An application for a preference right lease should be filed promptly after discovery of coal within the permit area in commercial quantities, but in no event later than 30 days after the period for which the permit is limited; a showing as to such discovery, however, must be made prior to the expiration of the period to which the permit is limited.

Dated:-----

Director, Bureau of Land Management.

§ 193.23 *Reward for discovery.* A permittee who shows that the land included in his permit contains coal in commercial quantities, is entitled to a lease for all or part of the permit lands, the area to be taken in compact form, upon due application and publication of notice thereof. Such showing shall be made within the period of his permit; and the application for lease should be filed in the district land office having jurisdiction over the lands involved promptly after discovery, but in no event later than 30 days after the period for which the permit is limited. If the lands are in a State in which there is no district land office, the application should be filed in the Bureau of Land Management. It should describe the lands desired and set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit. Such leases will be granted without competitive bidding, at such rental and royalty rates as may be fixed by the Secretary of the Interior.

§ 193.25 *Extension of permits.* By the act approved March 9, 1925 (45 Stat. 251, 30 U. S. C. 201a, 201b) the Secretary of the Interior may extend any coal prospecting permit issued under section

2 of the act of February 25, 1920 (41 Stat. 438, 30 U. S. C. 201) for a period of 2 years.

A permit may be extended if the permittee has been unable with the exercise of reasonable diligence to determine the existence or workability of the coal deposits, or for other reasons which may warrant an extension. An application for extension may be filed only within the period beginning 90 days prior to the date to which the permit is limited and ending 30 days after that date. The application should be filed in the district land office having jurisdiction over the lands involved. If the lands are in a State in which there is no district land office, the application should be filed in the Bureau of Land Management. It should show what efforts, if any, the permittee has made to comply with the terms of his permit and the reasons for failure fully to comply therewith, such showing to be corroborated, if possible, by an affidavit of at least one disinterested person having actual knowledge of the facts. The application should also show how much additional time is considered necessary to complete prospecting work. Extension will be limited to such period, not exceeding the 2 years authorized, as may be determined to be allowable under the circumstances in each particular case. Upon failure to file application within the specified period, the permit will be canceled.

As the permit bond is limited to the period for which the permit was granted, the permittee must file with an application for extension a properly executed assent by the surety or sureties on the bond to the extension of the bond to cover the life of the permit, if extended, or file a new bond.

Until the cancellation or termination of a coal permit is noted on the records of the district land office or on the records of the Bureau of Land Management if the lands involved are in a State in which there is no district land office, no other person will be permitted to gain any right to the same class of deposits by the filing of an application therefor.

2. Section 193.26 *Expiration of coal prospecting permits* is revoked.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

FRED W. JOHNSON,
Acting Director

APPROVED: JANUARY 14, 1947.

C. GIRARD DAVIDSON,
Assistant Secretary
of the Interior.

[F. R. Doc. 47-542; Filed, Jan. 20, 1947;
8:46 a. m.]

Appendix—Public Land Orders
[Public Land Order 340]

NEW MEXICO

REVOKING IN PART PUBLIC LAND ORDER 186
OF OCTOBER 11, 1943, WITHDRAWING PUBLIC
LANDS FOR USE OF WAR DEPARTMENT
AS AN AUXILIARY LANDING FIELD AND AS
PRACTICE BOMBING RANGES

By virtue of the authority vested in
the President and pursuant to Executive

Order No. 9337 of April 24, 1943, it is
ordered as follows:

Public Land Order No. 186 of October
11, 1943, withdrawing public lands for
the use of the War Department as an
auxiliary landing field and as practice
bombing ranges, is hereby revoked so far
as it affects the hereinafter-described
public lands.

The jurisdiction over and use of such
lands granted to the War Department
by Public Land Order No. 186 shall cease
upon the signing of this order. There-
upon, the jurisdiction over and adminis-
tration of such lands shall be vested in
the Department of the Interior and any
other Department or agency of the Fed-
eral Government according to their re-
spective interests then of record.

This order shall not otherwise become
effective to change the status of such
lands until 10:00 a. m. on March 17, 1947.

At that time the lands shall, subject to
valid existing rights and the provisions of
existing withdrawals, become subject to
application, petition, location, or selec-
tion as follows:

(a) *Ninety-day period for preference-
right filings.* For a period of 90 days
from March 17, 1947 to June 16, 1947,
inclusive, the public lands affected by
this order shall be subject to (1) applica-
tion under the homestead or the desert
land laws, or the small tract act of June
1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a),
as amended, by qualified veterans of
World War II, for whose service recog-
nition is granted by the act of Septem-
ber 27, 1944 (53 Stat. 747, 43 U. S. C. secs.
279-283) subject to the requirements of
applicable law, and (2) application under
any applicable public-land law, based on
prior existing valid settlement rights and
preference rights conferred by existing
laws or equitable claims subject to allow-
ance and confirmation. Applications by
such veterans shall be subject to claims
of the classes described in subdivision (2)

(b) *Twenty-day advance period for
simultaneous preference-right filings.*
For a period of 20 days from February 25,
1947 to March 17, 1947, inclusive, such
veterans and persons claiming prefer-
ence rights superior to those of such vet-
erans, may present their applications,
and all such applications, together with
those presented at 10:00 a. m. on March
17, 1947 shall be treated as simultane-
ously filed.

(c) *Date for non-preference right fil-
ings authorized by the public-land laws.*
Commencing at 10:00 a. m. on June 17,
1947 any of the lands remaining unap-
propriated shall become subject to such
application, petition, location, or selec-
tion by the public generally as may be
authorized by the public-land laws.

(d) *Twenty-day advance period for si-
multaneous non-preference right filings.*
Applications by the general public may
be presented during the 20-day period
from May 28, 1947 to June 17, 1947, inclu-
sive, and all such applications, together
with those presented at 10:00 a. m. on
June 17, 1947 shall be treated as simultane-
ously filed.

Veterans shall accompany their appli-
cations with certified copies of their cer-
tificates of discharge, or other satisfac-
tory evidence of their military or naval

service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 24 E., sec. 4.
T. 24 S., R. 27 E., sec. 24, NE $\frac{1}{4}$.
T. 20 S., R. 29 E., sec. 21.
T. 25 S., R. 30 E., sec. 18.

The areas described aggregate 2,081.82 acres.

These public lands are located in the central and southerly part of Eddy County, New Mexico, in a typical desert area, level to rolling in topography, at an elevation of approximately 3,000 feet.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior
JANUARY 13, 1947.

[F. R. Doc. 47-538; Filed, Jan. 20, 1947;
8:47 a. m.]

[Public Land Order 341]

MONTANA

REVOKING PUBLIC LAND ORDER 90 OF FEBRUARY 10, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR AVIATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 90 of February 10, 1943, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for the use of the War Department for aviation purposes, which was revoked in part by Public Land Order No. 214 of March 13, 1944, is hereby revoked as to the remaining lands described hereinafter.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 90 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other department or agency of the Federal Government, ac-

cording to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 17, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 17, 1947 to June 17, 1947 inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 25, 1947 to March 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 17, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 17, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 28, 1947 to June 17, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Great Falls, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall

be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Great Falls, Montana.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN

T. 25 N., R. 38 E.,
Sec. 1, S $\frac{1}{2}$,
Sec. 2, S $\frac{1}{2}$,
Secs. 11 and 12;
Sec. 13, N $\frac{1}{2}$,
Sec. 14, N $\frac{1}{2}$.

The area described aggregates 2,560 acres.

The lands are in Montana Grazing District No. 1, and are located in Valley County, Montana, near Willow Creek, within one mile of the county road to Fort Peck, about 17 miles to the east. Available information indicates that they are nontillable grazing lands.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

JANUARY 13, 1947.

[F. R. Doc. 47-539; Filed, Jan. 20, 1947;
8:47 a. m.]

[Public Land Order 342]

CALIFORNIA

REVOKING PUBLIC LAND ORDER 1 OF JUNE 20, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR CAMP SITES AND MANEUVER PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 1 of June 20, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing the public lands in the areas hereinafter described, for the use of the War Department for camp sites and maneuver purposes, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 1 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 17, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 17, 1947, to June 16, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June

1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 25, 1947 to March 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 17, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 17, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 28, 1947 to June 17, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title

43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Los Angeles, California.

The lands affected by this order are described as follows:

The public lands in the following-described areas:

SAN BERNARDINO MERIDIAN

- T. 6 S., R. 10 E.,
Secs. 8, 14, 18, 20, 22, and 24.
T. 6 S., R. 11 E.,
Sec. 14;
Sec. 18, lots 1 to 12, inclusive, and SE $\frac{1}{4}$;
Secs. 20, 22, and 24.
T. 6 S., R. 12 E.,
Secs. 18, 20, 22, 28, and 30.
T. 5 S., R. 15 E.,
Sec. 2, lots 1 and 2 of NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Secs. 3 to 10, inclusive;
Sec. 11, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 15, N $\frac{1}{2}$;
Secs. 17 and 18;
Sec. 19, lots 1 and 2 of NW $\frac{1}{4}$ and E $\frac{1}{4}$;
Secs. 20, 21, 28, 29, 30, 32, 34, and 35, partly unsurveyed.
T. 1 S., R. 17 E.,
Secs. 6, 7, 13, 14, 18, 19, and 20, partly unsurveyed;
Sec. 29, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 30 and 31;
Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 2 S., R. 18 E.,
Secs. 1 to 12, inclusive, partly unsurveyed.
T. 1 N., R. 18 E.,
Secs. 1 to 18, secs. 21 to 28, and sec. 33 to 36, inclusive, unsurveyed.
T. 7 N., R. 22 E.,
T. 8 N., R. 22 E.,
Secs. 3, 4, secs. 7 to 10, and secs. 13 to 36, inclusive.
T. 7 N., R. 23 E.,
Secs. 5 to 8, secs. 17 to 20, inclusive, and secs. 30 and 31.
T. 9 N., R. 23 E.,
Sec. 31;
Sec. 32, S $\frac{1}{2}$.

The areas described, including both public and non-public lands, aggregate 105,801.27 acres.

Available information indicates that the lands are desert in character, generally rolling to mountainous, and embrace some fairly level areas such as the dry bed of Danby Lake in T. 1 N., R. 18 E. The lands are located in Riverside and San Bernardino Counties, and are accessible to U. S. Highway No. 60 and to several county roads.

C. GRARD DAVIDSON,
Assistant Secretary of the Interior

JANUARY 13, 1947.

[F. R. Doc. 47-540; Filed, Jan. 20, 1947; 8:47 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 402—ANNUAL WATER CHARGES

CROSS REFERENCE: For an addition to the tabulation contained in § 402.2, see F. R. Doc. 47-551, under Department of the Interior, Bureau of Reclamation, in Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 95—CAR SERVICE

[S. O. 647-B]

PRIORITY FOR WHEAT IN PACIFIC NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of January A. D. 1947.

Upon further consideration of Revised Service Order No. 647 (12 F. R. 104) and good cause appearing therefor, *It is ordered, That:*

Revised Service Order No. 647 (codified as 49 CFR § 95.647) *Box cars to be used for loading export wheat*, be, and it is hereby, suspended.

It is further ordered, That this order shall become effective at 11:59 p. m., January 15, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Oregon, Washington, Idaho and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL]

W. P. BARTLE,
Secretary.

[F. R. Doc. 47-543; Filed, Jan. 23, 1947; 8:43 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2131613]

ARIZONA

ORDER PROVIDING FOR OPENING OF
PUBLIC LANDS

JANUARY 9, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on March 13, 1947 the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 14, 1947 to June 11, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 628a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 21, 1947 to March 14, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 14, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 12, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 23, 1947 to June 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 12, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfac-

tory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 11 W., sec. 3, S½, S½NW¼, NE¼NW¼, and NE¼, sec. 4;
T. 6 N., R. 12 W., sec. 10, W½NE¼, sec. 23;
sec. 24, N½;
T. 7 N., R. 11 W., sec. 12;
T. 6 N., R. 13 W., sec. 19; sec. 20;
T. 6 N., R. 16 W., sec. 16.

The areas described aggregate 4,842.60 acres.

These lands which are in Grazing District No. 3 are nonirrigable, have a level to gently rolling surface, and a sandy to gravelly soil. Vegetation consists primarily of southern desert shrubs, chiefly creosote bush, mesquite, cacti and palo verde. Elevations range from 800 to 1,200 feet above sea level. The arid climate precludes any production of crops in this area without the aid of irrigation.

FRED W. JOHNSON,
Acting Director.

JANUARY 15, 1947.

[F. R. Doc. 47-537; Filed, Jan. 20, 1947;
8:47 a. m.]

NEVADA AND CALIFORNIA

REVOKING DEPARTMENTAL ORDER OF AUGUST
23, 1932, AS MODIFIED, WITHDRAWING
PUBLIC LANDS IN AID OF LEGISLATION

The order of this Department of August 23, 1932, as modified July 19, 1934, and September 9, 1936, withdrawing the public lands in the hereinafter-described areas in aid of contemplated legislation reserving them for addition to the Fort Mohave Indian Reservation, is hereby revoked.

This order shall take effect immediately as to the administration of grazing on such lands,

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 17, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 17, 1947 to June 16, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 25, 1947 to March 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 17, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 17, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 28, 1947 to June 17, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Offices at Los Angeles or Sacramento, California, or Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Cir-

cular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the above-named district land offices.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

- T. 32 S., R. 64 E.,
Secs. 25 and 36.
T. 32 S., R. 65 E.,
Secs. 25 to 36, inclusive.
T. 33 S., R. 65 E.,
T. 32 S., R. 66 E.,
Secs. 25 to 36, inclusive.
T. 33 S., R. 66 E.,
All lands outside of Fort Mohave Indian Reservation unsurveyed.
T. 34 S., R. 66 E.,
All lands outside of Fort Mohave Indian Reservation, unsurveyed.

SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 12 N., R. 20 E.,
Sec. 10, lot 7;
Sec. 11, lot 1;
Sec. 13, lot 1;
Sec. 14, lots 2 to 8, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 15, lots 7 and 8 and NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 23, lots 4 to 8, inclusive, and
NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 24, lots 2 to 8, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 25, lots 4 to 8, inclusive, and
NE $\frac{1}{4}$ NE $\frac{1}{4}$,
T. 11 N., R. 21 E., fractional, except lots 6
and 7, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 24, and
lots 10 and 11, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 25.
T. 12 N., R. 21 E., fractional.
T. 11 N., R. 22 E., fractional.
Sec. 30, lots 1, 2, and 3;
Sec. 31, lots 1 to 9, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
and S $\frac{1}{2}$ SW $\frac{1}{4}$.

The area aggregates 30,769.62 acres of public and nonpublic lands.

Part of the lands are patented or are withdrawn for reclamation purposes. The remaining lands, which lie near the Colorado River and are rough and mountainous desert lands, are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

- T. 32 S., R. 64 E.,
Secs. 25 and 36.
T. 32 S., R. 65 E.,
Secs. 25 to 36, inclusive.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

JANUARY 13, 1947.

[F. R. Doc. 47-541; Filed, Jan. 20, 1947;
8:48 a. m.]

ALASKA

SHORE SPACE RESTORATION 388

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. sec. 372) it is ordered as follows:

No. 14—3

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. sec. 371) is hereby revoked as to the following described land:

GRAVINA ISLAND

Commencing at Corner No. One of U. S. Survey No. 1934, the homestead of Adolph C. Prasil, at mean high tide on Tongass Narrows; thence approximately 935 feet in a southeasterly direction along the line of mean high tide of Tongass Narrows to the corner of the Erickson homestead, unpatented; thence following the line of said Erickson homestead in a southerly direction approximately 1000 feet; thence at right angles to said Erickson line in a northwesterly direction approximately 900 feet to an extension of the easterly line of said U. S. Survey No. 1934; thence northerly along the line of said Survey No. 1934 to the place of beginning, Ketchikan Precinct, First Division, Territory of Alaska. (Homestead application of Alfred E. Z. Anderson, Anchorage 63739). The area described contains approximately 20 acres.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JANUARY 3, 1947.

[F. R. Doc. 47-536; Filed, Jan. 20, 1947;
8:47 a. m.]

Bureau of Reclamation

[No. 3]

TUCUMCARI IRRIGATION PROJECT, NEW MEXICO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

DECEMBER 31, 1946.

1. I have determined that it is factually impossible, in view of the provision for construction of distribution works by the United States under the contract with the Arch Hurley Conservancy District dated December 27, 1938, to make water available for irrigation use during the season of 1947 as contemplated in article 8 of the contract.

2. *Water rental.* Pursuant to article 10 of the contract of December 27, 1938, irrigation water will be furnished, when available, upon a rental basis during the irrigation season of 1947 where the progress of construction will permit, to the irrigable lands in the Arch Hurley Conservancy District described below:

Unit No. 1. *Water to be furnished beginning about April 1, 1947.* Generally described as lying north of the Chicago, Rock Island and Pacific Railroad and west of the Southern Pacific Railroad (Dawson Branch), comprising such lands as are irrigable within the tracts of land described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

- T. 11 N., R. 29 E.,
Sec. 13, all;
Sec. 24, NE $\frac{1}{4}$.
T. 11 N., R. 30 E.,
Sec. 1, W $\frac{1}{2}$,
Sec. 2, 3, 4, 5, 7, 8, 9, and 10;
Sec. 11, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$,
Sec. 15, 16, 17, 18, 19, 20, and 21;
Sec. 22, NW $\frac{1}{4}$,
Sec. 28, NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 29, all;
Sec. 30, E $\frac{1}{2}$.

- T. 12 N., R. 30 E.,
Sec. 26, 27, and 28;
Sec. 29, E $\frac{1}{2}$,
Sec. 32, E $\frac{1}{2}$,
Sec. 33, 34, and 35;
Sec. 36, SW $\frac{1}{4}$.

Unit No. 2. *Water to be furnished beginning about August 1, 1947.* Generally described as lying east of the Southern Pacific Railroad (Dawson Branch), east of the city limits of Tucumcari, New Mexico, and north of Hittson Creek, comprising such lands as are irrigable within the tracts of land described as follows:

- T. 11 N., R. 30 E.,
Sec. 1, E $\frac{1}{2}$,
Sec. 12, E $\frac{1}{2}$,
Sec. 13, E $\frac{1}{2}$,
Sec. 24, and 25.
T. 12 N., R. 30 E.,
Sec. 36, SE $\frac{1}{4}$.
T. 11 N., R. 31 E.,
Sec. 6, W $\frac{1}{2}$,
Sec. 7, and 8;
Sec. 9, W $\frac{1}{2}$,
Sec. 16, S $\frac{1}{2}$,
Sec. 17, 18, 19, 20, and 21;
Sec. 22, W $\frac{1}{2}$,
Sec. 27, All lying north of Hittson Creek;
Sec. 23, All lying north of Hittson Creek;
Sec. 30, NW $\frac{1}{4}$.
T. 12 N., R. 31 E.,
Sec. 31, SW $\frac{1}{4}$.

Unit No. 3. *Water to be furnished beginning about November 1, 1947.* Generally described as lying north of Tucumcari Creek and south of Hittson Creek, comprising such lands as are irrigable within the tracts of land described as follows:

- T. 10 N., R. 31 E.,
Sec. 1, Part lying north of Tucumcari Creek;
Sec. 2, Part lying north of Tucumcari Creek;
Sec. 3, Part lying north of Tucumcari Creek;
Sec. 4, Part lying north of Tucumcari Creek;
Sec. 5, Part of E $\frac{1}{2}$ lying north of Tucumcari Creek.
T. 11 N., R. 31 E.,
Sec. 23, Part lying south of Hittson Creek;
Sec. 26, Part lying south of Hittson Creek;
Sec. 27, Part lying south of Hittson Creek;
Sec. 23, Part lying south of Hittson Creek;
Sec. 23, all;
Sec. 32, E $\frac{1}{2}$,
Sec. 33, 34 and 35;
Sec. 36, Part lying north of Tucumcari Creek.
T. 11 N., R. 32 E.,
Sec. 30, Part lying south of Hittson Creek;
Sec. 31, Part lying between Hittson Creek and Tucumcari Creek.

Unit No. 4. *Water to be furnished beginning about November 1, 1947.* Generally described as lying north of Hittson Creek and west of Tucumcari Creek, comprising such lands as are irrigable within the tracts of land described as follows:

- T. 11 N., R. 31 E.,
Sec. 9, SE $\frac{1}{4}$,
Sec. 10, S $\frac{1}{2}$,
Sec. 11, W $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 13, S $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 14, W $\frac{1}{2}$ W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 15, all;
Sec. 16, NW $\frac{1}{4}$,
Sec. 23, E $\frac{1}{2}$,
Sec. 23 and 24;
Sec. 25, Part lying north of Hittson Creek;
Sec. 26, Part lying north of Hittson Creek;
Sec. 27, Part lying north of Hittson Creek in NE $\frac{1}{4}$.
T. 11 N., R. 32 E.,
Sec. 17, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 18, S $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 19, all;
Sec. 20, W $\frac{1}{2}$ W $\frac{1}{2}$, S $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 23, Part lying between Plaza Largo Creek and C. R. I. & P. Railroad;
Sec. 23, Part lying north of Plaza Largo Creek;

Sec. 30, Part lying north of Hittson Creek;
Sec. 31, Part lying north of Plaza Largo Creek.

Unit No. 5. Water to be furnished beginning about July 1, 1947. Generally described as lying north of Plaza Largo Creek and bounded on the east and west by the project boundary lines and on the north by the proposed Hudson Extension, comprising such lands as are irrigable within the tracts of land described as follows:

T. 12 N., R. 33 E.,
Sec. 19, S $\frac{1}{2}$,
Sec. 29, W $\frac{1}{2}$,
Sec. 30, all.
T. 12 N., E. 32 E.,
Sec. 25, all;
Sec. 27, S $\frac{1}{2}$,
Sec. 31, SE $\frac{1}{4}$,
Sec. 32, 33, 34, 35, and 36.
T. 11 N., R. 33 E.,
Sec. 18, all;
Sec. 19, Part of W $\frac{1}{2}$ north of Plaza Largo Creek.
T. 11 N., R. 32 E.,
Sec. 1, SW $\frac{1}{4}$,
Sec. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12;
Sec. 13, 14, 15, and 16;
Sec. 17, N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 18, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 20, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 21, all;
Sec. 22, Part lying north of Plaza Largo Creek;
Sec. 23, Part lying north of Plaza Largo Creek;
Sec. 24, Part lying north of Plaza Largo Creek;
Sec. 26, Part lying north of Plaza Largo Creek.
T. 11 N., R. 32 E.,
Sec. 27, Part lying north of Plaza Largo Creek;
Sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$.
T. 11 N., R. 31 E.,
Sec. 1, E $\frac{1}{2}$,
Sec. 11, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 12, S $\frac{1}{2}$, NE $\frac{1}{4}$,
Sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 14, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$.

3. *Charges and terms of payment.* The minimum water rental charge shall be \$1.00 per irrigable acre for each irrigable acre of land for which water service is requested, payment of which will entitle the water user to one acre-foot of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the following rates:

First additional 1 $\frac{1}{2}$ acre feet per acre: \$1.00 per acre-foot.
All additional acre feet per acre: \$1.50 per acre-foot.

All charges shall be payable by the District to the United States in advance of the delivery of water.

4. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

5. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388) and acts of Congress supplementary thereto or amendatory thereof, and who have duly com-

plied with the requirements of the contract of December 27, 1938, between the United States and the District, including:

(a) The execution and delivery of the recordable contract as provided for in article 30 (b) of said contract;

(b) The execution and delivery of the valid recordable contract, in the case of ownership of excess land, as provided for in articles 30 (a) and 32 of said contracts.

6. Individual applications for water on forms approved by the United States and the payments required by this announcement will be received at the office of the Secretary of the Arch Hurley Conservancy District, Tucumcari, New Mexico. Requests by the District for water for such lands as are entitled to receive water and payments by the District to the United States will be received at the office of the Bureau of Reclamation, Tucumcari, New Mexico.

7. This announcement shall not be construed as constituting the designation of irrigable lands provided for by article 30 of the contract of December 27, 1938, between the United States and the Arch Hurley Conservancy District.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented.)

MICHAEL W. STRAUS,
Commissioner

[F. R. Doc. 47-551; Filed, Jan. 20, 1947;
8:46 a. m.]

[No. 36]

BOISE IRRIGATION PROJECT, ARROWROCK
DIVISION, IDAHO-OREGON

PUBLIC NOTICE OF ANNUAL OPERATION AND
MAINTENANCE CHARGES

DECEMBER 30, 1946.

1. *Operation and maintenance.* The operation and maintenance charges for the irrigation season of 1947, and thereafter until further notice, against all lands of the Arrowrock Division within the Settlers Irrigation District, and other lands of the Arrowrock Division not included in the Boise-Kuna, Wilder, Nampa and Meridian, New York, and Big Bend Irrigation districts, shall be \$2.00 for the first 3 acre-feet of water and 30 cents for each additional acre-foot; but a minimum charge of \$2.00 will be made against each irrigable acre and must be paid as toll before any water is delivered. The minimum operation and maintenance charge will be due and payable to the Board of Control, Boise, Idaho, on April 1 preceding the irrigation season. Charges for additional water will be payable to the Board of Control upon demand.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS,
Commissioner

[F. R. Doc. 47-550; Filed, Jan. 20, 1947;
8:46 a. m.]

NEWLANDS PROJECT, NEVADA

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 2, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388). In accordance with the authority contained in the act of June 28, 1934 (48 Stat. 1269) as amended, Departmental Orders of October 18, 1935, and November 3, 1936, establishing Nevada Grazing Districts Nos. 2 and 3, respectively, are hereby amended to permit the withdrawal effected by this order.

NEWLANDS PROJECT, NEVADA

MOUNT DIABLO MERIDIAN

T. 20 N., R. 24 E.,
Sec. 24, SW $\frac{1}{4}$, NW $\frac{1}{4}$.
T. 20 N., R. 25 E.,
Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 21 N., R. 25 E.,
Secs. 12, 14, 24, 26, 28, 34 and 36, all.
T. 21 N., R. 26 E.,
Sec. 4, all;
Sec. 5, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$,
Secs. 6, 8, 18, 20, 28, 30 and 32, all.
T. 22 N., R. 26 E.,
Secs. 2, 4 and 10, all;
Sec. 12, NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,
Secs. 14, 22, 24 to 28, inclusive, 30 and 32 to 36, inclusive, all.
T. 23 N., R. 26 E.,
Secs. 26, 34 and 36, all.
T. 20 N., R. 32 E., unsurveyed
Secs. 3 to 10, inclusive, 16 to 21, inclusive, 29 and 30, all.

The above areas aggregate approximately 33,077 acres.

MICHAEL W. STRAUS,
Commissioner

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Acting Director,
Bureau of Land Management.

JANUARY 3, 1947.

[F. R. Doc. 47-552; Filed, Jan. 20, 1947;
8:46 a. m.]

SHOSHONE PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 10, 1946.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388). Departmental Order of March 23, 1935 establishing Wyoming Grazing District No. 1 is hereby amended to permit the withdrawal effected by this order.

SHOSHONE PROJECT, WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 51 N., R. 97 W.,
Sec. 5, Lots 7, 9, 10, 12, 19, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 6, Lots 35, 36, 37.

T. 52 N., R. 97 W.,
 Sec. 13, all;
 Sec. 14, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$.
 Sec. 15, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
 Sec. 19, Lots 18 to 22, incl., S $\frac{1}{2}$ NE $\frac{1}{4}$
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.
 Sec. 20, Lots 14, 18, 25, 30, 31, S $\frac{1}{2}$ N $\frac{1}{2}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$.
 Sec. 21, Lots 10, 11, 12, 26, 27, S $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 22, NW $\frac{1}{4}$, SE $\frac{1}{4}$.
 Sec. 23, all;
 Sec. 24, Lots 31, 32, 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 Sec. 26, all;
 Sec. 27, Lots 13, 14, 26 to 29, incl., NE $\frac{1}{4}$,
 E $\frac{1}{2}$ NW $\frac{1}{4}$.
 Sec. 28, Lots 22, 32, 33;
 Sec. 29, Lots 4, 33;
 Sec. 31, Lot 31;
 Sec. 32, all;
 Sec. 33, Lots 1, 4, 10, 11, 12, 28, S $\frac{1}{2}$ N $\frac{1}{2}$.
 Tracts 103 and 106.

The above areas aggregate 5,681.82 acres.

MICHAEL W. STRAUS,
 Commissioner

I concur. The records of the Bureau
 of Land Management and the District
 Land Office will be noted accordingly.

FRED W. JOHNSON,
 Acting Director
 Bureau of Land Management.

DECEMBER 20, 1946.

[F. R. Doc. 47-553; Filed, Jan. 20, 1947;
 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6883, 6884, 7115, 7851, 7852, 7883]

CRESCENT BROADCAST CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CON-
 SOLIDATED HEARING ON STATED ISSUES

In re applications of Crescent Broad-
 cast Corporation, Shenandoah, Pennsylv-
 ania, Docket No. 6883, File No. B2-P-
 4092; The Patriot Company, Harrisburg,
 Pennsylvania, Docket No. 6884, File No.
 B2-P-4091, WHP Inc., Harrisburg,
 Pennsylvania, Docket No. 7115, File No.
 B2-P-4324; Union Broadcasting Com-
 pany (WARM) Scranton, Pennsylvania,
 Docket No. 7851, File No. B1-P-5186;
 John H. Stenger, Jr. (WBAX) Wilkes-
 Barre, Pennsylvania, Docket No. 7852,
 File No. B1-P-5212; Hudson Valley
 Broadcasting Company, Inc., Albany
 New York, Docket No. 7883, File No. B1-
 P-5148; for construction permits.

At a session of the Federal Communi-
 cations Commission held at its offices at
 Washington, D. C. on the 30th day of
 December 1946;

The Commission having under consid-
 eration the above-entitled applications
 of Crescent Broadcast Corporation, The
 Patriot Company and WHP, Inc., each
 requesting the use of the frequency 580
 kilocycles, and the above-entitled ap-
 plications of Union Broadcasting Company,
 John H. Stenger, Jr. and Hudson Valley
 Broadcasting Company, Inc., each re-
 questing the use of the frequency 590
 kilocycles; and the Commission also hav-
 ing under consideration petitions filed by
 Union Broadcasting Company and John
 H. Stenger, Jr. on December 4 and 9,
 1946, respectively, each requesting leave
 to intervene in the further hearing con-
 cerning the said applications of Crescent

Broadcast Corporation, The Patriot
 Company and WHP, Inc., and

It appearing, that the said applica-
 tions of Crescent Broadcast Corporation,
 The Patriot Company and WHP Inc.
 were heard in a consolidated proceeding
 in January 1946; that the record in the
 said proceeding was closed on March 19,
 1946; that thereafter on November 21,
 1946, the Commission granted the peti-
 tion of Crescent Broadcast Corporation
 for leave to amend its above-entitled
 application so as to show a new trans-
 mitter site and revised engineering in-
 formation incidental thereto, reopened
 the record, and designated said applica-
 tion of Crescent Broadcast Corporation,
 as amended, for further hearing, and
 said further hearing is now scheduled
 for January 22, 1947, in Washington,
 D. C., upon the following issues:

1. Type of terrain over which meas-
 urements are to be taken in order to sub-
 mit an adequate proof of performance.
2. Accessibility over the terrain over
 which field measurements can be taken
 for proof of performance.

3. The areas and populations to be
 served from the new site and character
 and type of other radio services to such
 areas and populations; particularly, the
 areas and populations which would re-
 ceive their first primary service from the
 proposed operation.

4. Stability of proposed antenna sys-
 tem in operation, especially in consid-
 eration of antenna base resistance and
 soil conditions at the site proposed.

5. Whether and to what extent opera-
 tion from the proposed site will cause
 interference with existing stations or
 pending applications, particularly with
 respect to Stations CKEY, Toronto, Can-
 ada, and WFIL, Philadelphia, Pennsylv-
 ania; and

It appearing further, that said amend-
 ment to the above-entitled application of
 Crescent Broadcast Corporation specifi-
 cally a new transmitter site raises ques-
 tions of interference to broadcast service
 of applicants whose applications were on
 file at the time said amendment was
 accepted; and

It further appearing, that the said
 above-entitled Crescent Broadcast Com-
 pany application, as amended, may re-
 sult in increased interference to and with
 the above-entitled pending applications
 of John H. Stenger, Jr. (WBAX) Wilkes-
 Barre, Pennsylvania (File No. B1-P-
 5212; Docket No. 7852) and Union Broad-
 casting Company (WARM), Scranton,
 Pennsylvania (File No. B1-P-5186; Dock-
 et No. 7851) and

It further appearing, that the said ap-
 plications of the petitioners, Union
 Broadcasting Company and John H.
 Stenger, Jr., were, by separate orders of
 the Commission dated September 19,
 1946, designated for hearing in a con-
 solidated proceeding, and that the said
 application of Hudson Valley Broadcast-
 ing Company, Inc., was designated for
 hearing therewith by order of the Com-
 mission dated September 30, 1946;

It is ordered, That the said applications
 of Union Broadcasting Company (File
 No. B1-P-5186; Docket No. 7851) John
 H. Stenger, Jr. (File No. B1-P-5212;
 Docket No. 7852) and Hudson Valley
 Broadcasting Company, Inc. (File No.

B1-P-5148; Docket No. 7883) be, and they
 are hereby, consolidated for hearing in
 the proceeding involving the further
 hearing on the said application of Cres-
 cent Broadway Company (Docket No.
 6883) upon the issues heretofore defined
 in the orders of the Commission desig-
 nating them for hearing as aforesaid.

It is further ordered, That the said or-
 der of the Commission, dated November
 21, 1946, designating the said application
 of Crescent Broadcast Company for fur-
 ther hearing, as aforesaid, be, and it is
 hereby, amended, to include the said
 applications of Union Broadcasting Com-
 pany, John H. Stenger, Jr. and Hudson
 Valley Broadcasting Company, Inc.,

It is further ordered, That the said pe-
 titions of Union Broadcasting Company
 and John H. Stenger, Jr., requesting leave
 to intervene, be, and they are hereby,
 dismissed.

[SEAL] FEDERAL COMMUNICATIONS
 COMMISSION,
 T. J. SLOWIN,
 Secretary.

[F. R. Doc. 47-557; Filed, Jan. 20, 1947;
 8:49 a. m.]

[Docket No. 7474]

PATRICK JOSEPH STANTON

DECISION AND ORDER ON PETITION FOR
 RECONSIDERATION

In re application of Patrick Joseph
 Stanton, Philadelphia, Pennsylvania, for
 construction permit; Docket No. 7474,
 File No. B2-P-4495.

The Commission has before it a peti-
 tion for reconsideration filed May 29,
 1946, by L. B. Wilson, Inc., licensee of
 radio station WCKY, Cincinnati, Ohio,
 directed against the action of the Com-
 mission on May 10, 1946, granting with-
 out hearing the above-entitled applica-
 tion of Patrick Joseph Stanton, for a
 construction permit to erect a new stand-
 ard broadcast station to operate on the
 frequency 1530 kilocycles, with 10 kilo-
 watts power, daytime only (Class II).
 Station WCKY operates on the frequency
 1530 kilocycles, with 50 kilowatts power,
 unlimited time, at Cincinnati, Ohio, and
 is classified as a Class I-B clear channel
 station.

The petitioner alleges, as the basis of
 its petition, that station WCKY, a Class
 I-B clear channel station, is entitled to
 protection from objectionable interfer-
 ence of its primary service area up to
 the 0.5 mv/m daytime contour; that the
 proposed station will emit a skywave
 which will interfere with station WCKY's
 primary service area for approximately
 two hours after sunrise and approxi-
 mately one hour before sunset at Phila-
 delphia; and that station WCKY will
 receive limitations to its service rang-
 ing from approximately 0.7 mv/m to 5
 mv/m at the time of sunset in Phila-
 delphia. An answer to the petition,
 filed by Stanton, maintains that the
 interference alleged by the petitioner
 is not "objectionable interference"
 within the meaning of the term as used
 in the Commission's rules and standards.

Under the Commission's rules and reg-
 ulations and the Standards of Good En-

gineering Practice Concerning Standard Broadcast Stations, the primary service area of a Class I-B clear channel station daytime is entitled to protection from objectionable interference up to its 0.1 mv/m contour (See Standards, page 2) The Commission has also recognized that conditions of radio wave propagation permit operation on such clear channels by stations denominated as Class II, under conditions which do not allow objectionable interference (i. e. within the protected contours established for day and night primary service) with the so-called "dominant" clear channel station. The grant to Joseph Patrick Stanton, of which petitioner complains, is of a construction permit to operate daytime only as a Class II station. By definition under the Commission's rules (See §§ 3.6 and 3.23 (c)) the term "daytime" means that period of time between the hours of average monthly local sunrise and average monthly local sunset.

Petitioner's complaint is that the operation of the proposed Stanton station at Philadelphia will result in skywave interference¹ to Station WCKY, Cincinnati, Ohio, during a period following sunrise and preceding sunset. The Commission's rules relating to protection of daytime contours of Class I-B stations do not take cognizance of nor afford protection against skywave interference for the reason that such waves are not reflected effectively back to earth during the day. The skywave curves which are a part of the Commission's standards are based upon extensive measurements of skywave signals produced by broadcasting stations under varying conditions and at various seasons of the year. In 1935, at the time these measurements were taken and other scientific studies made, they indicated that such skywave signals as there were, were of very low order, and hence were considered of so little importance that the standards of the Commission took no cognizance of daytime skywave propagation at broadcast frequencies. The periods of diurnal change are, however, very uncertain and erratic in their effect on radio wave propagation. On some days in the periods immediately before and after sunrise and sunset, skywaves may be reflected into areas which on other days, in the same periods of time, receive no such signal. In this state of the radio art, therefore, it is virtually impossible and the Commission believes it would be unreasonable to define "daytime" operation in terms as unstable, erratic and uncertain as the conditions of radio wave propagation at sunrise and sunset.

Accordingly the Commission is of the opinion that the grant to Patrick Joseph Stanton, Philadelphia, Pennsylvania, does not result in interference to petitioner's station WCKY, Cincinnati, Ohio, as defined by the Commission's rules and standards, and hence *it is ordered*, This

14th day of November 1946, that the said petition of L. B. Wilson, Inc. (WCKY), Cincinnati, Ohio, for reconsideration be, and it is hereby, denied.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-564; Filed, Jan. 20, 1947;
8:50 a. m.]

[Docket Nos. 7680, 7687]

DON LEE BROADCASTING SYSTEM AND
KROW INC.

ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING

In re applications of Don Lee Broadcasting System, San Francisco, California, Docket No. 7680, File No. B5-PH-38; KROW, INC., Oakland California, Docket No. 7687, File No. B5-PH-990; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 2d day of January 1947;

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations in San Francisco, and Oakland, California respectively, which have been designated for hearing in a consolidated proceeding scheduled to commence April 14, 1947; and

It appearing, that comparative consideration of the said applications is no longer necessary; and

It further appearing, that the applications of Don Lee Broadcasting System for renewal of licenses of Station KGB, San Diego (File No. B5-R-38; Docket No. 7398) KDB, Santa Barbara (File No. B5-R-48; Docket No. 7399) KFRC, San Francisco (File No. B5-R-43; Docket No. 7615) and KHJ and KHJ-FM, Los Angeles (Files No. B5-R-22, B5-RH-25; Docket No. 7616) and the application of Don Lee Broadcasting System for a construction permit to increase power of Station KGB, San Diego, from 1 kw to 5 kw on the frequency 1360 kc, install new transmitter and antenna, and change transmitter location (File No. B5-P-4330; Docket No. 7497) have been designated for hearing in a consolidated proceeding scheduled to commence January 14, 1947 at Los Angeles, California.

It is ordered, That the application of Don Lee Broadcasting System (File No. B5-PH-38; Docket No. 7680) be, and it is hereby, severed from the above-entitled proceeding; and

It is further ordered, That the said application of Don Lee Broadcasting System (File No. B5-PH-38; Docket No. 7680) heretofore designated for hearing, be, and it is hereby consolidated for hearing commencing January 14, 1947, at Los Angeles, California with the aforesaid Don Lee Broadcasting System renewal and construction permit applications (Dockets 7398, 7399, 7497, 7615, 7616) on the issues specified in the Commission's order of December 5, 1946, with

respect to the said renewal and construction permit applications.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-560; Filed, Jan. 20, 1947;
8:50 a. m.]

[Docket Nos. 7875, 8038]

LEE-SMITH BROADCASTING CO. AND ASSOCIATED BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John E. Hyde, Jr., Palmer Dragsten, and Herbert H. Lee, d/b as Lee-Smith Broadcasting Co., Faribault, Minnesota, Docket No. 7875, File No. B4-P-4581, Associated Broadcasters, Inc., Wadena, Minnesota, Docket No. 8038, File No. B4-P-5351, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 2d day of January 1947;

The Commission having under consideration the above-entitled applications for construction permits for new standard broadcast stations to operate on the frequency 920 kc, with 1 kw power, unlimited time (using directional antennas) at Faribault and Wadena, Minnesota, respectively;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations, or either of them, would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and popu-

¹The distance between Cincinnati, Ohio, and Philadelphia, Pennsylvania, is about 500 miles. This distance is generally considered adequate to preclude any possibility of ground wave interference to Station WCKY from the operation of the proposed Stanton station, and petitioner does not allege ground wave interference.

lations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-563; Filed, Jan. 20, 1947;
8:50 a. m.]

[Docket No. 7982]

WESTERN UNION TELEGRAPH CO.

ORDER INSTITUTING INVESTIGATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1946;

The Commission, having under consideration a letter, dated November 18, 1946; from The Western Union Telegraph Company, advising of a change in policy with respect to making application to reduce hours of service at main and branch offices; letters from The Commercial Telegraphers' Union dated October 28, 1946, November 15, 1946, and December 19, 1946, charging that the Company's program of closing offices and reducing hours of service is detrimental to the future stability of the telegraph industry and letters from various members of the public making complaint against specific curtailments of service;

It is ordered, That an investigation, on the Commission's own motion, be, and it is hereby, instituted into the matter of the over-all plans of The Western Union Telegraph Company with respect to the discontinuance, reduction and impairment of service, the standards to be applied in determining whether applications shall be made to the Commission for authority to close company-operated offices, to reduce hours of service at company-operated offices, or to convert from operation of offices by Western Union's own employees to agency operation of offices; the extent to which the public convenience and necessity may be impaired if such program is carried out; and the effects upon the telegraph industry which may reasonably be expected to result from such program;

It is further ordered, That a copy of this order shall be served upon The Western Union Telegraph Company and that said Company be, and it is hereby, made a party respondent herein; and that it shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m. on the 17th day of February, 1947, and give full information with respect to the matters referred to above; and

It is further ordered, That a copy of this order shall be served upon the following: the agency of each state which under the laws of such state has regu-

latory jurisdiction with respect to intrastate operations of The Western Union Telegraph Company; the Governors of Delaware, Iowa, and Texas; the Secretary of War, the Secretary of the Navy, the National Association of Railroad and Utilities Commissioners; the American Communications Association, The Commercial Telegraphers Union, the Telegraph Workers' Union, the Telegraph Employees' Union, the American Federation of Labor, the Congress of Industrial Organizations, and The Communications Workers' International Union; and each such person, organization or agency be, and it is hereby, given leave to intervene and participate fully in the proceedings herein.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-559; Filed, Jan. 20, 1947;
8:49 a. m.]

[Docket Nos. 8035, 8036]

HAROLD THOMAS AND PYNCHON
BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harold Thomas, Springfield, Massachusetts, Docket No. 8035, File No. B1-PH-1117; and Pynchon Broadcasting Corporation, Springfield, Massachusetts, Docket No. 8036, File No. B1-PH-1127; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of December 1946;

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations in Springfield, Massachusetts, and

It appearing, that a possible maximum of two Class B FM channels might be available for immediate assignment in the vicinity of Springfield and Holyoke, Massachusetts;

It is ordered, Pursuant to section 309 (a) of the Communications Act, as amended, that the above entitled applications be, and they are hereby, designated for hearing to be held in consolidation with the hearings on the applications of WSPR, Incorporated et al. (Docket Nos. 7925-7927 inclusive) for construction permits for new FM Class B broadcast stations in the Springfield, Massachusetts, area, commencing February 5, 1947 at 10:00 a. m. in Springfield, Massachusetts, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order heretofore issued in the consolidated proceedings for Docket Nos. 7925-7927 inclusive, be, and it is hereby, amended to include the applications of Harold Thomas (File No. B1-PH-1117) and Pynchon Broadcasting Corp. (File No. B1-PH-1127)

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-553; Filed, Jan. 20, 1947;
8:48 a. m.]

[Docket Nos. 8040, 8032, 8031]

TYTEX BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Jr., Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, Docket No. 8040, File No. B3-P-5540; Blackstone Broadcasting Company, Inc., Tyler, Texas, Docket No. 8032, File No. B3-P-5316; Rose Capitol Broadcasting Company, Tyler, Texas, Docket No. 8031, File No. B3-P-4975; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of December 1946;

The Commission having under consideration the above-entitled application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas;

It appearing, that the Commission on December 19, 1946, designated for hearing in a consolidated proceeding the applications of Blackstone Broadcasting Company, Inc., (File No. B3-P-5316, Docket No. 8032) and Rose Capitol Broadcasting Company (File No. B3-P-4975, Docket No. 8031) each requesting a construction permit for a new standard broadcast station to operate on 940 kc, 250 w, daytime only, at Tyler, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, be and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the order of the Commission dated December 19, 1946, designating the applications of Blackstone Broadcasting Company, Inc., and Rose Capitol Broadcasting Company for hearing in a consolidated proceeding be, and it is hereby, amended to include the application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-562; Filed, Jan. 20, 1947;
8:50 a. m.]

[Docket Nos. 8041, 7075]

SOUTHLAND BROADCASTING CORP. AND PENINSULAR BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southland Broadcasting Corporation, North Miami Beach, Florida, Docket No. 8041, File No. B3-P-5510; Peninsular Broadcasting Corporation, Coral Gables, Florida, Docket No. 7075, File No. B3-P-4187 for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of December 1946;

The Commission having under consideration the above-entitled applications of Southland Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1070 kc, 250 w, daytime only, at North Miami Beach, Florida, and of Peninsular Broadcasting Corporation requesting a construction permit for a new standard broadcast

station to operate on 1070 kc, 1 kw, daytime only, at Coral Gables, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-561; Filed, Jan. 20, 1947;
8:50 a. m.]

[Docket Nos. 8042, 7983, 7866]

LESTER LEE MAY ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lester Lee May, San Antonio, Texas, Docket No. 8042, File No. B3-P-5542; The Walmac Company (KMAC) San Antonio, Texas, Docket No. 7983, File No. B3-P-4360; for construction permits. The Walmac Company (KMAC), San Antonio, Texas, Docket No. 7866, File No. B3-R-411, for renewal of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of December 1946;

The Commission having under consideration the above-entitled application of Lester Lee May requesting a construction permit for a new standard broadcast station to operate on 630 kc, 5 kw, day and night, unlimited time, in San Antonio, Texas, together with the petition of said Lester Lee May requesting that said application be set for hearing with the application for construction permit of Howard W Davis, tr/as The Walmac Company, hereinafter described;

It appearing, that the Commission on November 29, 1946, designated for hearing in a consolidated proceeding the applications of Howard W Davis, trading as The Walmac Company (KMAC) (File No. B3-P-4360, Docket No. 7983) requesting a construction permit to change the frequency of Station KMAC, San Antonio, Texas, from 1240 kc to 630 kc, increase its operating power from 250 w to 5 kw and to make certain changes in equipment and Howard W Davis, tr/as The Walmac Company (KMAC) (File No. B3-R-411, Docket No. 7866) requesting a renewal of license of Station KMAC, San Antonio, Texas;

It is ordered, That the said petition of Lester Lee May be, and it is hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Lester Lee May be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications

in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated November 29, 1946, designating for hearing in a consolidated proceeding the application of Howard W Davis, tr/as The Walmac Company (KMAC) with that of Howard W Davis, tr/as The Walmac Company (KMAC) for renewal of license, be, and it is hereby amended to include the application of Lester Lee May.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-558; Filed, Jan. 20, 1947;
8:49 a. m.]

[Docket Nos. 8043, 7609]

MID-STATE BROADCASTING CO. AND RADIO
PEORIA, INC.

ORDER DESIGNATING APPLICATION FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Mid-State Broadcasting Company (WMMJ) Peoria, Illinois, Docket No. 8043, File No. B4-P-5551, Radio Peoria Inc., Peoria, Illinois, Docket No. 7609, File No. B4-P-4177; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of December 1946;

The Commission having under consideration the above-entitled application of Mid-State Broadcasting Company, licensee of Station WMMJ, Peoria, Illinois, for a construction permit to change frequency and power from 1020 kc, 1 kw day, to 970 kc, 1 kw day and night, to change hours of operation from daytime to unlimited, to install a directional antenna for day and nighttime and to make other changes;

It appearing, that the Commission on May 24, 1946, designated for hearing the application of Radio Peoria, Inc. (File No. B4-P-4177, Docket No. 7609) requesting a construction permit for a new standard broadcast station to operate on 970 kc, 1 kw, using a directional antenna, unlimited time and on September 20, 1946, granted leave to the University of Wisconsin (WHA) to intervene in said hearing;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Mid-State Broadcasting Company be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Radio Peoria, Inc. (File No. B4-P-4177, Docket No. 7609) said proceeding to commence at 10:00 o'clock a. m. Friday, January 10, 1947, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WMMJ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WMMJ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WMMJ as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WMMJ as proposed would involve objectionable interference with

the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WMMJ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of May 24, 1946, designating the application of Radio Peoria, Inc., for hearing be amended to include the application of Mid-State Broadcasting Company (WMMJ)

It is further ordered, That issue number 1 of the Commission's order of May 24, 1946, above, deleted by the Commission's order of December 19, 1946, be reinstated in said order of May 24, 1946.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-555; Filed, Jan. 20, 1947;
8:48 a. m.]

- DEPARTMENT OF JUSTICE

Office of Alien Property

THE PHILIPPINE MANUFACTURING CO.

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
The Philippine Manufacturing Co., Manila, P. I.	421C-4221 Inc.....	235 (7 F. R. 6341).....	U. S. Design Patent Applications Nos. D-65,880, D-65,881, D-65,882, D-65,883, D-65,884, and D-65,887.	Washington, D. C.

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-569; Filed, Jan. 20, 1947;
8:46 a. m.]

[Vesting Order CE 356]

COSTS AND EXPENSES INCURRED IN CERTAIN
ACTIONS OR PROCEEDINGS IN CERTAIN
HAWAII COURTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated en-

emy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts

equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6317; 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

NOTICES

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Lum Kam Wing.....	China.....	<i>Item 1</i> Estate of Lum Ching Wa, deceased, in the Circuit Court of the First Judicial Circuit, T. H., Honolulu, T. H., P. No. 8553.	\$16.00
Children of Mrs. Kwock Kwai Fong, also known as Kwock Lum Shee.	do.....	<i>Item 2</i> Same.....	16.00

[F. R. Doc. 47-530; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order CE 346]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in

amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
Elizabeth Amory de Blois Fatta-Rampolla.	Italy.....	<i>Item 1</i> Estate of Estelle Anderson, deceased, in the Surrogate's Court, New York County, N. Y., Index No. P-920-1932.	(1)	Lewis De Blois, Trustee, c/o Elmer Lee Fingar, Esq., Bar Building, 109 Main St., White Plains, N. Y.	\$60.00
Rosa Martinese.....	do.....	<i>Item 2</i> Estate of Frank P. Guarino, deceased, in the Surrogate's Court, Kings County, New York; Docket No. 7577-43.	\$6,800.00	Antonio Guarino, 2700 Marlon Ave., Bronx, N. Y., and Carolyn G. Iannuzziello, 105 72d St., Brooklyn, N. Y., Trustees.	24.00
Biagio Guarino.....	do.....	<i>Item 3</i> Same.....	3,400.00	Same.....	17.00
Michael Guarino.....	do.....	<i>Item 4</i> Same.....	3,400.00	Same.....	17.00
Senora Angela M. Lenta.....	do.....	<i>Item 5</i> Estate of Florence Halsey, deceased, in the Surrogate's Court, Dutchess County, N. Y.	5,000.00	Benjamin S. Halsey, Sr., Harriman Road, Irvington, N. Y., and Elizabeth Miele, Hiddenhurst, Coleman Station, N. Y., Executors.	32.00
Bepa Acalin also known as Yeslpa Acalin, also known as Zlaria.	Yugoslavia.....	<i>Item 6</i> Estate of Michael Acalin, also known as Mike Acalin, also known as Mike Acalin, deceased, in the Surrogate's Court, New York County, N. Y., Index No. A-2334-1943.	1,699.65	Public Administrator, New York County, 31 Chambers St., New York, N. Y.	35.83
Julia Acalin also known as "Mary" Acalin.	do.....	<i>Item 7</i> Same.....	2,799.31	Same.....	10.00
Thyre Petersen.....	Denmark.....	<i>Item 8</i> Estate of Walter Nielsen, deceased, Surrogate's Court, New York, N. Y., Index No. A-2976-1943.	710.49	Public Administrator, New York County, 31 Chambers St., New York, N. Y.	80.00

¹ Income from trust under will of Estelle Anderson, deceased.

[F. R. Doc. 47-520; Filed, Jan. 17, 1947; 8:49 a. m.]

[Vesting Order CE 354]

COSTS AND EXPENSES INCURRED IN CERTAIN
ACTIONS OR PROCEEDINGS IN CERTAIN
NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A

in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depository	Column 6 Sum vested
Sophien Kirchhof.....	Germany.....	<i>Item 1</i> Estate of Louise Euler, deceased, Surrogate's Court, Bronx County, N. Y., Index No. 197-P-1942.	\$545.61	Treasurer of the City of New York, Municipal Bldg., New York, N. Y.	\$108.00
Maria Libera Barone, Cristina Barone, Carmela Barone and Giuseppe Barone.....	Italy.....	<i>Item 2</i> Estate of Antonio Barone, deceased, Surrogate's Court, Bronx County, N. Y.	137.59	.....do.....	23.00
Pasqualine De Simone.....	.....do.....	<i>Item 3</i> Estate of Michele De Simone, deceased, Surrogate's Court, Bronx County, N. Y., Docket No. 66A-1942.	131.73	.....do.....	23.00
Jacob Sam Lazarowitz.....	Poland.....	<i>Item 4</i> Estate of Samuel Lazarowitz, deceased, Surrogate's Court, Bronx County N. Y., File No. 491A-1943.	769.23	.....do.....	67.00
Czeslaw Malinowski.....	.....do.....	<i>Item 5</i> Estate of Edward Szumski, deceased, Surrogate's Court, Bronx County, N. Y.; Index No. 549-P-1937.	95.69	.....do.....	9.00
Boleslaw Malinowski.....	.....do.....	<i>Item 6</i> Same.....	95.69	.....do.....	9.00
Bronislaw Malinowski.....	.....do.....	<i>Item 7</i> Same.....	95.69	.....do.....	9.00
Alexander Szumski.....	.....do.....	<i>Item 8</i> Same.....	663.73	.....do.....	37.00

[F. R. Doc. 47-528; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order 7969]

FRANZ M. BRAMBACH

In re: Estate of Franz M. Brambach, deceased. File D-28-9508; E. T. Sec. 12877.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Berger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the issue, names unknown, of Augusta Berger, who there is reasonable cause to believe are residents of Ger-

No. 14—4

many, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Franz M. Brambach, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Anna B. Russell, as Executrix of the Estate of Franz M. Brambach, deceased, acting under the judicial supervision of the Surrogate's Court, Westchester County, State of New York;

and it is hereby determined:

5. That to the extent that the above named person and the issue, names unknown of Augusta Berger, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp., E. O.

9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-515; Filed, Jan. 17, 1947; 8:48 a. m.]

ARNE BRASCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Arno Brasch, New York City, N. Y.	A-304, A-271	201 (8 F. R. 625)	Half interest in U. S. Letters Patent Nos. 1,931,475, 1,957,008, 2,005,021, 2,043,733, 2,099,327.	Washington, D. C.

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-568; Filed, Jan. 20, 1947; 8:46 a. m.]

[Vesting Order 7970]

AUGUST HOEING

In re: Estate of August Hoeng, deceased. File D-28-10882; E. T. Sec. 15341.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christine Hoeng, Anna Hoeng, and Franz Hoeng, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in, to and against the estate of August Hoeng, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Rev. Frank Hartleb, as executor, acting under the judicial supervision of the Orphans' Court of Mercer County, Erie, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-516; Filed, Jan. 17, 1947; 8:48 a. m.]

[Supplemental Vesting Order 7971]

J. H. QUEKEMEYER

In re: Estate of J. H. Quekemeyer, deceased. File D-28-10072; E. T. sec. 14318.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the children of Anna Boenker, also known as Anna Lonskur, deceased, and the children of Elise von Drehle, deceased, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of J. H. Quekemeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Delta National Bank of Yazoo City, as executor, acting under the judicial supervision of The Chancery Court of Yazoo County, Mississippi;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the

national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-517; Filed, Jan. 17, 1947; 8:49 a. m.]

[Vesting Order CE 350]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column

3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A.

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the prop-

erty which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp., E. O. 9728, Oct. 14, 1946, 11 F. R. 11931)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		<i>Item 1</i>	
Hans Nordhaug.....	Norway.....	Estate of Armand Haugan, also known as Armand Haugen, also known as Armand Haugen, deceased, Superior Court, State of California, in and for the County of San Diego; No. 31223.	\$3.00
Thea Nordhaug.....	do.....	Same.....	8.00
Olav Nordhaug.....	do.....	Same.....	8.00
Martha Nordhaug.....	do.....	Same.....	8.00
Jorgine Nordhaug.....	do.....	Same.....	8.00
Mrs. Syverne Nordsven.....	do.....	Same.....	8.00
Children of Mrs. Anita Olson, deceased.....	do.....	Same.....	8.00
		<i>Item 8</i>	
Kathryn M. Dorrer.....	China.....	Estate of John Plover, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 65267.	37.00
		<i>Item 9</i>	
Sue Lee.....	do.....	Estate of Lee Bow, deceased, Superior Court, State of California, in and for the County of Solano; No. 8943.	39.00
		<i>Item 10</i>	
Fannie Fegalbom.....	do.....	Estate of Jacob Fegalbom, deceased, Superior Court, State of California, in and for the County of Los Angeles; No. 21471.	63.00
		<i>Item 11</i>	
Winifred Ridsen.....	France.....	Estate of Fawcett Robinson, deceased, Superior Court, State of California, in and for the County of Los Angeles; No. 60392.	35.00
		<i>Item 12</i>	
Mrs. Cham Gitelman or her heirs.....	Lithuania.....	Estate of Louis Carter, deceased, Superior Court, State of California, in and for the County of Los Angeles; No. 210134.	57.00
Mrs. Nison Fridman or her heirs.....	do.....	Same.....	29.00
Mrs. Samuel Rabinovitch or her heirs.....	do.....	Same.....	29.00
Mrs. P. Karlik or her heirs.....	do.....	Same.....	29.00
		<i>Item 16</i>	
Ester Mortensen.....	Denmark.....	Estate of Andrew Mattson, also known as A. Mattson, deceased, Superior Court, State of California, in and for the County of Alameda; No. 80639.	20.00
Emma Mortensen.....	do.....	Same.....	20.00
		<i>Item 18</i>	
Margareta Ciomnick.....	Luxembourg.....	Estate of Peter Lerang, deceased, Superior Court, State of California, in and for the County of Los Angeles; No. 22752.	41.00
		<i>Item 19</i>	
Board of Directors, Chebra Bikur Cholim, City of Mitau, Kurland, Russia (now Jelgawa, Latvia).....	Latvia.....	Estate of Julius Friedman, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 29 N. S.	16.00
Burgomaster of City of Mitau, Kurland, Russia, (now Jelgawa, Latvia).....	do.....	Same.....	16.00
		<i>Item 21</i>	
Leokadie Gutgisser.....	Poland.....	Estate of Saul Adam Ciechanow, also known as S. A. Ciechanow, also known as Stan A. Ciechanow, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 60334.	33.00

NOTICES

[Vesting Order CE 347]

COSTS AND EXPENSES INCURRED IN CERTAIN
ACTIONS OR PROCEEDINGS IN CERTAIN
NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative

action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A,

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning

prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Paula Prager.....	Holland.....	Item 1 Estate of Philip Berolzheimer, deceased, in Surrogate's Court, New York County, N. Y., Index No. P-1203/1942.	\$173.00
Marie Linck.....	France.....	Item 2 Estate of Edmond Linck, deceased, in Surrogate's Court, St. Lawrence County, N. Y.	4.00
Jeanne Linck.....	do.....	Item 3 Same.....	21.00
Wilhelm Schulz.....	Denmark.....	Item 4 Estate of Ernst Schulz, deceased, in Surrogate's Court, Nassau County, N. Y., Docket No. 40432-1943.	20.00
Mania Millikowsky.....	Poland.....	Item 5 Estate of Charles Melikow, also known as Charles Millikow, deceased, in Surrogate's Court, New York County, N. Y., Index No. P-502-1944.	37.00
Bozena Bliska, also known as Bozena Bischitzky or Mrs. Milla Gelobter, or Hyman Gelobter, Anna Friedlander, Dr. Bozena Matousek and Trude Roth.	Czechoslovakia.....	Item 6 Estate of Vlasta Bishop, deceased, in Surrogate's Court, New York County, N. Y., Index No. P-773-1945.	89.00
Marie De Blauwe.....	Belgium.....	Item 7 Bond & Mortgage Guarantee Co., Supreme Court, Kings County, N. Y., Series No. 181384; Certificate No. 119310.	60.00

[F. R. Doc. 47-521; Filed, Jan. 17, 1947; 8:49 a. m.]

[Vesting Order CE 355]

COSTS AND EXPENSES INCURRED IN CERTAIN
ACTIONS OR PROCEEDINGS IN CERTAIN
HAWAII COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property.

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A

in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depository	Column 6 Sum vested
Macacla Torralba Villa, also known as Francisca T. Calaycay.	Philippines	Item 1 Estate of Jose Torralba Villa, deceased, in the Circuit Court of the Third Judicial Circuit, Hilo, Hawaii; Probate No. 1693.	\$3,622.73	Bank of Hawaii, Hilo, Hawaii, in Savings Account.	\$29.00
Valentina Oballes Moises	do	Item 2 Same	1,123.67	Hawaiian Trust Co., Ltd., 120 South King St., Honolulu, T. H.	9.00
Norma Moises	do	Item 3 Same	2,217.73	do	19.00
Teodoro Amodo	do	Item 4 Estate of Donato Rafanan Amodo, deceased, in the Circuit Court of the First Judicial Circuit, T. H., Honolulu, T. H.	234.43	Wilder Wright, Administrator, 313 McCandless Bldg., Honolulu, T. H.	6.00
Severo Amodo	do	Item 5 Same	234.43	do	6.00
Pastor Amodo	do	Item 6 Same	234.43	do	6.00
Fufino Amodo	do	Item 7 Same	234.44	do	6.00
Marina Amodo Estaban	do	Item 8 Same	234.44	do	6.00
Heirs and next of kin of Clara Amodo Quitog, deceased.	do	Item 9 Same	234.44	do	6.00
Pong Goo Shee	China	Item 10 Estate of Goo Kan, et al., deceased, in the Circuit Court of the First Judicial Circuit, Honolulu, T. H., P. No. 13235.	377.07	Bishop National Bank of Hawaii, Honolulu, T. H.	20.00
Lau Leong Shee	do	Item 11 Estate of Lau Bow, also known as Lau Po, deceased, in the Circuit Court of the First Judicial Circuit, Honolulu, T. H., P. No. 13590.	1,633.00	Wilder Wright, 236 Hawaiian Trust Building, Honolulu, T. H.	15.00
Lau Kin Hing	do	Item 12 Same	2,177.20	Same	31.00
Lai Har Wong	do	Item 13 Estate of Wong On, deceased, in the First Circuit Court, Honolulu, T. H., Probate No. 12672.	490.25	The Liberty Bank of Honolulu, 69 N. King Street, Honolulu, T. H. Blocked Account No. 16671.	10.00
Leo Ngit Wah	do	Item 14 Same	1,000.00	The Liberty Bank of Honolulu, 69 N. King Street, Honolulu, T. H. Blocked Account No. 16672.	24.00
You Wai Wong	do	Item 15 Same	490.25	The Liberty Bank of Honolulu, 69 N. King Street, Honolulu, T. H. Blocked Account No. 16673.	10.00
You Han Wong	do	Item 16 Same	490.25	The Liberty Bank of Honolulu, 69 N. King Street, Honolulu, T. H. Blocked Account No. 16674.	10.00
Georgette Andresen	France	Item 17 Guardianship of Georgette Andresen, a Minor, in the Circuit Court of the First Judicial Circuit, Honolulu, T. H., P. No. 9274.	1499.00 *322.73	Hawaiian Trust Company, Ltd., 120 S. King St., Honolulu, T. H.	35.00
Adele de Rubels	Italy	Item 18 Estate of Nella Amodet, deceased, in the First Circuit Court, Honolulu, T. H., P. No. 12315.	2,043.74	Hawaiian Trust Co., Ltd., 120 South King St., Honolulu, T. H.	7.00
Francesca Giammaria	do	Item 19 Same	2,043.74	do	7.00
Angela Bruschini	do	Item 20 Same	2,043.74	do	7.00
Marretta Loreti	do	Item 21 Same	2,043.74	do	7.00
Guglielmo Rossi	do	Item 22 Same	2,043.74	do	7.00

¹ Stocks.² Cash.

[F. R. Doc. 47-529; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order CE-343]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Exe-

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated en-

emy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative

NOTICES

action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding of each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the

amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein

shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947:

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depository	Column 6 Sum vested
<i>Item 1</i>					
Joseph Handler.....	Austria.....	Estate of Peter Handler, deceased, Surrogate's Court, Kings County, N. Y., Docket No. 7135-1944.	\$1,000.00	Otto P. Burkard, Executor, 169-07 85th Ave., Richmond Hill, Long Island, N. Y.	\$10.00
<i>Item 2</i>					
Children of George Handler.....	do.....	Same.....	1,000.00	do.....	10.00
<i>Item 3</i>					
Marie Frank (daughter of Paul Handler, deceased.).....	do.....	Same.....	500.00	do.....	5.00
<i>Item 4</i>					
Magdalena Rossi.....	do.....	Same.....	800.00	do.....	8.00
<i>Item 5</i>					
Marie Maurin.....	France.....	Same.....	400.00	do.....	5.00
<i>Item 6</i>					
John Rossi.....	Austria.....	Same.....	400.00	do.....	5.00
<i>Item 7</i>					
Joseph Rossi.....	do.....	Same.....	400.00	do.....	5.00
<i>Item 8</i>					
Anton Rossi.....	do.....	Same.....	400.00	do.....	5.00
<i>Item 9</i>					
Frank Handler.....	Yugoslavia.....	Same.....	1,000.00	do.....	10.00
<i>Item 10</i>					
Mary Putro.....	do.....	Same.....	500.00	do.....	5.00
<i>Item 11</i>					
Margaretha Arko.....	do.....	Same.....	1,000.00	do.....	10.00
<i>Item 12</i>					
John Lackner.....	do.....	Same.....	700.00	do.....	6.00
<i>Item 13</i>					
Flori Lackner.....	do.....	Same.....	800.00	do.....	8.00
<i>Item 14</i>					
Anna Lackner.....	do.....	Same.....	400.00	do.....	5.00
<i>Item 15</i>					
Alexander Berenson.....	Italy.....	Estate of Vladimir Berenson, deceased, Surrogate's Court, New York County, N. Y., Index No. P-1353/1943.	3,000.00	Antonie Berenson, 11 West 69th St., New York, N. Y., and Herman J. Tart, 240 Central Park So., New York, N. Y., Executors.	45.00
<i>Item 16</i>					
Miron Berenson.....	Yugoslavia.....	Estate of Vladimir Berenson, deceased, Surrogate's Court, New York County, N. Y., Index No. P-1353/1943.	\$3,000.00	do.....	45.00
<i>Item 17</i>					
Marion O. Bourbon Del Monte.....	Italy.....	Estate of Katharine M. Walsh, deceased, Surrogate's Court, New York County, N. Y.	(1)	Grenville B. Winthrop, Jr., 34 Valley Rd., Scarsdale, N. Y.	17.50
<i>Item 18</i>					
Catharine A. M. Bosio.....	do.....	Same.....	(1)	do.....	17.50
<i>Item 19</i>					
Mary Naprava.....	Czechoslovakia.....	Estate of Anna Buresch, deceased, Surrogate's Court, Westchester County, N. Y., Docket No. 1189-1943.	(1)	Henrietta Case, Star Route, City of Hudson, Columbia County, N. Y., and John J. McQuade, 85 Bronx River Rd., Yonkers, N. Y., Executors.	64.00
<i>Item 20</i>					
Bozena Paprava.....	do.....	Same.....	(1)	do.....	64.00
<i>Item 21</i>					
Frank Naprava.....	do.....	Same.....	(1)	do.....	77.00

¹ Income from Trust under will of Katharine M. Walsh, deceased.

² Income from \$2,500.

³ Income from \$3,000.

[Vesting Order CE 351]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CONNECTICUT AND MASSACHUSETTS COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depository	Column 6 Sum vested
		<i>Item 1</i>			
Concetta P. LaPorta	Italy	Estate of Alessandro LaPorta, deceased, Probate Court, District of New Haven, Conn.	\$200.00	Rocco A. Civitello, Administrator, 80 Shepard St., New Haven, Conn.	\$23.00
Ralph LaPorta	do	Same	1200.00	do	19.00
Maria LaPorta	do	Same	1200.00	do	19.00
Carmela LaPorta	do	Same	1200.00	do	19.00
		<i>Item 5</i>			
Gigia Raschella	do	Estate of Joseph Raschella, deceased, Probate Court, District of New Haven, Conn.	2,331.83	Humbert R. Quadrino, Executor, 7 Westcraigh Road, New Haven, Conn.	87.00
Aldo Raschella	do	Same	2,331.83	do	87.00
		<i>Item 7</i>			
Nazarena Panucci	do	Estate of Antonino Panucci, deceased, Probate Court, District of Groton, Conn.	57.01	Filomena Cardellachio, Administrator, 23 Denton Ave., Groton, Conn.	51.20
Julio Panucci	do	Same	278.51	do	25.6
Bruno Panucci	do	Same	278.51	do	25.00
Elizabeth Campisi	do	Same	278.51	do	25.00
		<i>Item 11</i>			
Dora Pavelene Hamaranik	Poland	Estate of Jacob Lukaszuk, deceased, Probate Court, District of Naugatuck, Conn.	100.40	Naugatuck Savings Bank, Naugatuck, Conn., Account No. 45922, Dora Pavelene Hamaranik.	35.00
		<i>Item 12</i>			
Dominick Maccariello	Italy	Estate of Prisco Maccariello, deceased, Probate Court, District of New Haven, Conn.	891.34	Peter A. Leonard, Jr., Administrator, 8 West Rock Ave., New Haven, Conn.	43.25
Pasquale Maccariello	do	Same	891.34	do	43.25
Anthony Maccariello	do	Same	891.34	do	43.25
Maria Maccariello	do	Same	891.25	do	43.25
		<i>Item 10</i>			
Harold Winthrop	France	Trust under the Will of Annie Nellson Curtis, deceased, (b) Harold Winthrop, et al, Probate Court, Suffolk County, Mass., No. 237053.	(9)	City Bank Farmers Trust Co., Trustee, 22 William St., New York, N. Y.	121.00

¹ Approximately.

² Income from Trust under Will of Annie Nellson Curtis, deceased.

NOTICES

[Vesting Order CE 348]

COSTS AND EXPENSES INCURRED IN CERTAIN
ACTIONS OR PROCEEDINGS IN CERTAIN
CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column

3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A,

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning

prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Jean Liou Claverie.....	France.....	<i>Item 1</i> Estate of Jean B. Claverie, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 235303.	\$17.00
Mrs. Marie Pedezert.....	do.....	<i>Item 2</i> Same.....	47.00
Ros Bobion-Bounine.....	do.....	<i>Item 3</i> Same.....	21.00
Julie Bobion.....	do.....	<i>Item 4</i> Same.....	21.00
Luka Cupach.....	Yugoslavia.....	<i>Item 5</i> Estate of Ilya Cupach, also known as Ely Cupasch, also known as Ila Cupach, also known as E. Cupasch, also known as Ely Cupasch, also known as Elna Cupos, also known as Elya Cupach, also known as Ely Cupasch, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 92533.	17.00
Puca Cupach.....	do.....	<i>Item 6</i> Same.....	17.00
Sophie Bacaloff (Bakalis).....	Greece.....	<i>Item 7</i> Estate of George Bacaloff, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara.	25.00
Louis Bacaloff (Bakalis).....	do.....	<i>Item 8</i> Same.....	25.00
Vena Bacaloff.....	do.....	<i>Item 9</i> Same.....	25.00
Czechoslovakia Gymnasium.....	Czechoslovakia.....	<i>Item 10</i> Estate of Jan Nalepa, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 221-171.	47.00
Josef Muzik.....	do.....	<i>Item 11</i> Estate of Behumil Muzik, also known as B. Muzik, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 162930.	42.00
Friedel Pohl.....	do.....	<i>Item 12</i> Estate of Anton Knittel, deceased, in the Superior Court of the State of California, in and for the County of San Diego; No. 31703.	31.00
Edgar Pohl.....	do.....	<i>Item 13</i> Same.....	31.00
Herbert Pohl.....	do.....	<i>Item 14</i> Same.....	31.00

[F. R. Doc. 47-522; Filed, Jan. 17, 1947; 8:49 a. m.]

[Vesting Order CE 353]

COSTS AND EXPENSES INCURRED IN CERTAIN
ACTIONS OR PROCEEDINGS IN CERTAIN
CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property.

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien

Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depository	Column 6 Sum vested
Aaron Zamornick.....	Russia.....	<i>Item 1</i> Estate of Dora Resenberg, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 203459.	\$1,000.00	Union Bank & Trust Co. of Los Angeles, 700 South Hill Street, Los Angeles, Calif., Account in the name of Aaron Zamornick.	\$118.00
Jached Dinlicht.....	Poland.....	<i>Item 2</i> Estate of Morris Dinlicht, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 217736.	1,424.43	Bank of America National Trust & Savings Association, Main Office, Los Angeles, Calif., Account No. 110395, in the name of Jached Dinlicht.	28.00
Fayga Dinlicht.....	do.....	<i>Item 3</i> Same.....	1,424.43	Bank of America National Trust & Savings Association, Main Office, Los Angeles, Calif., Account No. 110391, in the name of Fayga Dinlicht.	28.00
Shandel Dinlicht Rosensweig.....	do.....	<i>Item 4</i> Same.....	1,424.43	Bank of America National Trust & Savings Association, Main Office, Los Angeles, Calif., Account No. 110335, in the name of Shandel Dinlicht Rosensweig.	28.00
Luisa Gangale Iaconis.....	Italy.....	<i>Item 5</i> Estate of Rosario Iaconis, deceased, in the Superior Court of the State of California, in and for the County of Siskiyou; No. 4338.	2,642.27	O. A. Turner, Public Administrator, 209 West Miner St., Yreka, Siskiyou County, Calif.	23.00
Carmela Lancione.....	do.....	<i>Item 6</i> Estate of Antonio Lancione, deceased, in the Superior Court of the State of California, in and for the County of Siskiyou; Probate No. 4447.	4,572.13	O. A. Turner, Public Administrator, 209 West Miner St., Yreka, Siskiyou County, Calif.	40.00
Charlotte Andree Whitcomb Lepic.....	France.....	<i>Item 7</i> Estate of A. C. Whitcomb, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 59794.	(1)	J. B. Johnson, Trustee, 310 Sansome St., San Francisco, Calif.	41.00
Arthur P. Lord.....	do.....	<i>Item 8</i> Estate of Mary H. Lord, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 64332.	(1)	Security-First National Bank of Los Angeles, Trustee, 200 East Colorado St., Pasadena, Calif.	73.00

¹ Income from Trust under Will of A. C. Whitcomb, deceased.

² Income from Trust under Will of Mary H. Lord, deceased.

[F. R. Doc. 47-527; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order CE 349]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied

territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the con-

trol of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A

NOTICES

in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien

Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR,

1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depository	Column 6 Sum vested
<i>Item 1</i>					
Tony Greco.....	Italy.....	Estate of Tony Greco, Supreme Court, New York County, N. Y., Index No. 32162-1921.	(?)	Max Herbst, Substituted Committee of the Estate of Tony Greco, an incompetent, 240 West 98th St., New York, N. Y.	\$51.00
<i>Item 2</i>					
Anthony Talarico.....	do.....	Estate of Gesuna Barberio, deceased, Surrogate's Court, Putnam County, N. Y.	\$84.50	Josephine Merante, Administratrix, Kemble Ave., Cold Spring, N. Y.	10.00
<i>Item 3</i>					
Mary Talarico.....	do.....	Same.....	84.50	do.....	10.00
<i>Item 4</i>					
Katherine Talarico.....	do.....	Same.....	84.50	do.....	10.00
<i>Item 5</i>					
Alfredo Quintilliani.....	do.....	Estate of Loreto Quintilliani, also known as Loreto Quintiliano, deceased, Surrogate's Court, Bronx County, N. Y.	1,077.96	James W. Brown, Public Administrator, Bronx County, 851 Grand Concourse, New York, N. Y.	0.00
<i>Item 6</i>					
Ezio Quintilliani.....	do.....	Same.....	1,077.96	do.....	0.00
<i>Item 7</i>					
Giuseppe Quintilliani.....	do.....	Same.....	1,077.96	do.....	0.00
<i>Item 8</i>					
Carmella Quintilliani.....	do.....	Same.....	1,077.96	do.....	0.00
<i>Item 9</i>					
Angelina Quintilliani.....	do.....	Same.....	2,155.93	do.....	12.00
<i>Item 10</i>					
Mosche Ratner.....	Poland.....	Estate of Jacob M. Eisenberg, deceased, Surrogate's Court, New York County, N. Y., Docket No. P-2041/1940.	(?)	Thomas W. Boylek, 50 East 64th St., New York, N. Y., Joseph Eisenberg, 100 Central Park So., New York, N. Y., and Samuel Ratner, 1695 Grand Ave., Bronx, N. Y., Executors and Trustees.	130.00
<i>Item 11</i>					
Esther Silverman.....	do.....	Same.....	(?)	do.....	130.00

¹ Approximately \$15,354.

² Income from a Trust, under will of Jacob M. Eisenberg, deceased.

[F. R. Doc. 47-523; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order 7972]

EMMA J. VOGEL

In re: Trust under the will of Emma J. Vogel deceased. File D-28-2407 E. T. sec. 3731.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Gebhart, Adolph Gebhart, Mary Grass, Barbetta Henny, Louise Braun, Otto Vetter and Albert Vetter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That the children, names unknown of John Gebhart, the children, names unknown of Adolph Gebhart, the children, names unknown of Mary Grass, the children, names unknown of Barbetta Henny and the children, names unknown of Louise Braun, who there is reasonable cause to believe are residents of Ger-

many, are nationals of a designated enemy country (Germany).

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Emma J. Vogel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany).

4. That such property is in the process of administration by Guarantee Trust Company of Atlantic City, N. J., as executor and trustee, acting under the judicial supervision of the Atlantic County Orphans' Court, Mays Landing, New Jersey.

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown of John Gebhart, the children, names unknown of Adolph Gebhart, the children, names unknown of Mary Grass, the children, names unknown of Bar-

betta Henny and the children, names unknown of Louise Braun, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671,

79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-518; Filed, Jan. 17, 1947;
8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1430]

EAST COAST PUBLIC SERVICE CO. AND VIR-
GINIA EAST COAST UTILITIES, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of January A. D. 1947.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to sections 7 and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, by East Coast Public Service Company, a registered holding company and its public utility subsidiary company Virginia East Coast Utilities, Incorporated.

Notice is further given that any interested person may, not later than January 22, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt the transactions therein proposed as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Virginia East Coast Utilities, Incorporated, proposes to issue and sell to Baltimore National Bank of Baltimore, Maryland, its promissory note in the principal amount of \$200,000, bearing interest at the rate of 2½% per annum, maturing six months after date of issue. The proceeds of such sale are to be used in part to retire its present loan of \$150,000 from the Baltimore National Bank, and in part for the construction of property additions. East Coast Public Service Company proposes to guarantee to Baltimore National Bank the repayment of the loan of \$200,000 with interest.

Declarants request that the Commission's order permitting the declaration to become effective be issued on or before January 23, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-534; Filed, Jan. 20, 1947;
8:47 a. m.]

[File No. 30-221]

EASTERN NEW YORK POWER CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of January A. D. 1947.

Eastern New York Power Corporation, a registered holding company and a subsidiary of International Hydro-Electric System, also a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935, reciting, inter alia, that it had filed a Notification of Registration under section 5 (a) of the act proposing to become a holding company until certain transactions then pending before the Commission were completed; that these transactions were approved by the Commission by order dated December 4, 1946 (Holding Company Act Release No. 7042) and have since been consummated; and

The Commission having issued a notice of filing on December 20, 1946, with respect to said application and said notice having stated that any interested person may not later than January 3, 1947, request the Commission in writing that a hearing be held on such matter and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

Eastern New York Power Corporation and others having now filed a Certificate of Notification, pursuant to Rule U-24, wherein it is stated that the transactions so authorized by the Commission on December 4, 1946 have been consummated; and

The Commission finding that Eastern New York Power Corporation does not directly or indirectly own, control or hold with power to vote, or otherwise, any of the outstanding securities of a public utility company, or of a holding company, as defined in the act, and that Eastern New York Power Corporation has ceased to be a holding company, and that its registration as a holding company should cease to be in effect and that it is not necessary to impose any terms or conditions for the protection of investors in connection with the termination of such registration:

It is ordered and declared, That Eastern New York Power Corporation has ceased to be a holding company, and that the registration of Eastern New York Power Corporation as a holding

company shall from the date of the entry of this order cease to be effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-484; Filed, Jan. 17, 1947;
8:48 a. m.]

[File Nos. 54-124, 53-79, 70-1197]

SEATTLE GAS CO.

ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January A. D. 1947.

Seattle Gas Company ("Seattle") a gas utility subsidiary of Portland Electric Power Company and Portland General Electric Company, registered holding companies, having filed on April 17, 1946 an application pursuant to the provisions of section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935 and the rules and regulations of the Commission promulgated thereunder, for approval of an amended plan of reorganization for the purpose of complying with the provisions of section 11 (b) of the act;

The applicant having requested that the Commission enter an order finding that the proposed transactions set forth in said amended plan are necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, are fair and equitable to the persons affected thereby, and that such order contain recitals in accordance with the requirements of section 371 and subsection (f) of section 1803 of the Internal Revenue Code, as amended; and having further requested the Commission, pursuant to section 11 (e) of the act to apply to an appropriate United States District Court to enforce and carry out the terms of the amended plan;

Public hearings having been held after appropriate notice and the Commission having considered the record herein and having made and filed its findings and opinion herein; and

The Commission having found that the amended plan is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby;

It is ordered, That such application be, and it hereby is, granted and that the amended plan be, and it hereby is, approved, subject, however, to the conditions specified in Rule U-24 and to the further condition that the Department of Public Utilities of the State of Washington shall have approved the issuance of the new common stock of Seattle;

It is further ordered, That jurisdiction be and hereby is reserved:

1. To approve, disapprove, modify, allocate or award by further order or orders, all fees or other compensation and all remuneration or expenses claimed or hereafter claimed by any persons in connection with the amended plan, the transactions incident thereto and the consummation thereof;

2. To take such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11 (b) of the act; and

3. To entertain such further proceedings, to make such supplemental findings and to take such further action as the Commission may deem appropriate in connection with the amended plan, the transactions incident thereto and the consummation thereof, and, in the event such amended plan be not consummated, to enter such further orders as the Commission may deem appropriate under sections 11 (b) 11 (f) and 20 (a) of the act.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court, pursuant to the provisions of sections 11 (e) and 18 (f) of the act, to enforce and carry out the terms and provisions of the amended plan.

It is further ordered, That this order shall not be operative to authorize the consummation of any of the transactions proposed in the amended plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing such amended plan.

It is further ordered and recited, That all steps and transactions involved in the consummation of the amended plan, including particularly the issuances, exchanges, acquisitions, transfers, distributions, deliveries of sales, hereinafter described and recited in subparagraphs numbered I through VI set forth below are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are hereby authorized, approved and directed; the stock and securities and other property which are ordered to be issued, exchanged, acquired, transferred, received and sold upon such transactions being specified and itemized as follows:

I. The applicant will issue 259,078 shares of new Common Stock with a par value of \$10 per share to the holders of its existing 47,105 shares of \$5 First Preferred Stock in the proportion of $5\frac{1}{2}$ shares of new Common Stock for each share of \$5 First Preferred Stock upon surrender of and in exchange for the certificates representing such \$5 First Preferred Stock.

II. The applicant will issue 2,734 shares of new Common Stock with a par value of \$10 per share to the holders of its existing 27,338 shares of Second Preferred Stock in the proportion of $\frac{1}{10}$ of a share of new Common Stock for each such share of Second Preferred Stock upon

surrender of and in exchange for the certificates representing such Second Preferred Stock.

III. No fractional shares of new Common Stock will be issued by the applicant under subparagraphs I and II next above, but in lieu thereof the applicant will issue Scrip Certificates, exchangeable for full shares within two years from the first day of the month in which the amendment to the Articles of Incorporation of the applicant creating such new Common Stock shall become effective. After the expiration of such two year period, the applicant will sell the shares of new Common Stock reserved for issue in exchange for Scrip Certificates, and for a period of three additional years holders of Scrip Certificates will be entitled to receive their pro rata share of the proceeds of sale, at the end of which time the Scrip Certificates shall be void for all purposes.

IV. Holders of existing \$5 First Preferred Stock and Second Preferred Stock who do not surrender their stock certificates in exchange for shares of the new Common Stock and/or Scrip Certificates (or cash proceeds after the initial two year period referred to in subparagraph III next above) within five years from the first day of the month in which the amendment to the Articles of Incorporation of the applicant creating such new Common Stock shall become effective, shall not thereafter be entitled or permitted to make such exchange, and the shares of the existing stock then held by them shall be void for all purposes.

V. All existing Common Stock of the applicant will be cancelled and no new shares will be issued therefor.

VI. The foregoing transactions or any of them may be effectuated through and deliveries may be made directly by the applicant or to or through exchange agents or otherwise, the certificates for such shares of new Common Stock and such Scrip Certificates shall be in such form and the sale of such shares of new Common Stock reserved for issue in exchange for Scrip Certificates shall be made in such manner and upon such terms and conditions, all as may be determined by the Board of Directors of the applicant consistent with the Court order enforcing the amended plan and within the time limits, specified in the amended plan or in said Court order.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-488; Filed, Jan. 17, 1947;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-669]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF ORDER DENYING APPLICATIONS FOR RECONSIDERATION AND VACATION, OR, IN THE ALTERNATIVE, FOR A REHEARING OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 15, 1947.

Notice is hereby given that, on January 15, 1947, the Federal Power Commission issued its order denying applications for reconsideration and vacation, or, in the alternative, for a rehearing of order issuing certificate of public convenience and necessity, entered January 14, 1947, in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-554; Filed, Jan. 20, 1947;
8:57 a. m.]

[Docket No. IT-6016]

COORDINATION OF ELECTRIC FACILITIES IN THE CONSERVATION OF COAL

ORDER TERMINATING EMERGENCY AND REVOKING EXEMPTIONS

JANUARY 10, 1947.

It appears to the Commission that:

(a) Because of the virtual cessation of coal mining, this Commission on November 22, 1946, entered a finding and determination of the existence of an emergency within the meaning of section 202 of the Federal Power Act in the production of electric energy in the United States.

(b) As an aid in alleviating the critical coal situation, the Commission authorized electrical utility systems to coordinate operations through use of interconnections without such use affecting the jurisdictional status of electric utilities under the Federal Power Act.

The Commission finds and determines that: The emergency for which the finding and determination of November 22, 1946, was issued no longer exists; and wherefore

The Commission orders that: The authority and exemption provided for in the said action of November 22, 1946, be and it hereby is revoked, effective thirty (30) days from the date of issuance of this order.

Date of issuance: January 10, 1947.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-505; Filed, Jan. 17, 1947;
8:46 a. m.]